English Translations of

Majmoo’al-Fatawa of late Scholar Ibn Bazz (R)

Second Edition

By:

Sheikh `Abdul `Aziz Bin `Abdullah ibn `AbdulRahman ibn Bazz (May Allah forgive and reward *al-Firdouse* to him and his parents)

He was The Mufti of **Kingdom of Saudi Arabia,** Chairman of the Council of Senior Scholars, and Chairman of Department of Scholarly Research and Ifta'

This English Translations are collected from

http://www.alifta.com

Portal of the General Presidency of Scholarly Research and Ifta'

This file is volume No.21 of 30

(Part No. 21; Page No. 1)

(Part No. 21; Page No. 2)

(Part No. 21; Page No. 3)

In the Name of Allah, the Most Gracious, the Most Merciful

(Part No. 21; Page No. 4)

(Part No. 21; Page No. 5)

Book on Unmarriageable People

(Part No. 21; Page No. 6)

(Part No. 21; Page No. 7)

Ruling on marrying the sister of one's divorcee during the latter's `Iddah

Q 1: If a person divorces his wife and she is still in her `Iddah (woman's prescribed waiting period after divorce or widowhood), is it permissible for him to marry her sister? If his wife dies, is it permissible to marry her sister shortly after? May Allah benefit us and you!

A: If a person divorces his wife, it is not permissible for him to marry her sister or maternal or paternal aunt unless the `Iddah is over if the divorce is revocable as agreed by all Muslims. If the divorce is revocable, then she is still his wife as long as the `Iddah is not over. But if it is irrevocable divorce, such as being the third divorce or Kul` (divorce initiated by a wife for a consideration), this is a controversial matter among scholars. The preponderant opinion is not to marry her sister until his wife's `Iddah is over. But if his wife dies, then it is permissible to marry her sister or maternal or paternal aunt immediately, even one or two days after his wife's death as the marriage bond ends by death. In this case, it is permissible to marry her sister or maternal or paternal aunt immediately after the wife dies.

Marrying a woman and her aunt

Q 2: One of the readers from Makkah asks: Is it permissible for a person to marry his wife's niece?

A: It is not permissible for one to marry his wife's niece, whether on the maternal or paternal side, if he is still married to her aunt. The Prophet (peace be upon him) has prohibited marrying a woman and her maternal or paternal aunt at the same time.

Scholars (may Allah be merciful with them) unanimously agreed that this is Haram (prohibited) as indicated by this Hadith Sahih (authentic Hadith). However, if the maternal or paternal aunt dies or has been divorced and her `Iddah (woman's prescribed waiting period after divorce) is over, then it would be permissible for him to marry her niece as in this case he will not combine both of them in marriage.

Q: A man wants to marry his wife's foster niece. What is the ruling on this?

(Part No. 21; Page No. 9)

A: It is impermissible for him to do unless he divorces his wife and she finishes her `Iddah (woman's prescribed waiting period after divorce or widowhood), because it is impermissible to marry a woman and her paternal or maternal aunt at the same time. It was authentically reported from the Prophet (peace be upon him) that he prohibited marrying a woman and her paternal or maternal aunt at the same time. Breastfeeding relations take the same ruling as blood relations, according to the saying of the Prophet (peace be upon him), (Breastfeeding relationships are equal to blood relationships in rendering marriage unlawful.) (Agreed upon by Imams Al-Bukhari and Muslim).

Milk Relations prohibit

that which is prohibited by blood relations

Q 4: A brother from Tunisia inquires: I am a 24 year-old man. When I wanted to propose to my cousin, I was surprised by everybody to know that I am her paternal uncle by breastfeeding; as my elder sister was breastfed with my uncle- the girl's father- and he breastfed with her as well, i.e., from my mother. Is it Shar`y (Islamically legal) permissible for me to marry her? I hope that you would

promptly answer me, for I am very confused about that. May Allah reward you with the best!

A: If it is proven that her father breastfed from your mother five times or more during the first two years of birth, you are to be considered as a brother to him through breastfeeding, and an uncle to his daughter. Thus, it is not permissible for you to marry her; for Allah (Glorified and Exalted be He) says: (Forbidden to you (for marriage) are: your mothers, your daughters, your sisters, your father's sisters, your mother's sisters, your brother's daughters, your sister's daughters, your foster mothers who gave you suck, your foster milk suckling sisters) Surah Al-Nisa'.Also the Prophet (peace be upon him) said: (Milk relations prohibit that which is prohibited by blood relations) Agreed upon by Al-Bukhari and Muslim.

Allah (Glorified be He) has clarified in this Ayah that the paternal uncle by blood relations is a Mahram (spouse or unmarriageable relative) to his niece. Similarly; the paternal uncle by breastfeeding is considered a Mahram to his niece according to the mentioned Hadith and to the Ijma' (consensus) of Muslim scholars. Allah is the Grantor of success!

5- Ruling on a person who gets married to a woman but he was breastfed by her mother while the mother was married to a man other than the father of the woman he wants to marry

From `Abdul-`Aziz ibn `Abdullah ibn Baz, to the honorable brother the inquirer, may Allah guide him to every goodness! Amen!

As-salamu `alaykum warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you!) To proceed:

Our beloved brother! We have received your message dated 19/12/1388 A.H. May Allah guide you to His Straight Path! You inquire about the ruling on a man married a woman but he was breastfed by her mother while the latter was married to a man other than the father of the former. Your inquiry about the ruling on such an issue is known to us.

The answer: This marriage is null and void since the man referred to in the question is a brother to the woman he got married to since he had been breastfed from her mother. This prohibition is quiet evident in the Qur'an, Sunnah and Ijma` (consensus) of Muslim scholars provided that her mother had breastfed him five times while he was in the first two years. They should be separated at once if the matter is as mentioned. However, if there is some doubtfulness, you should refer the matter to the nearby scholars and ask them about what appears difficult to you. May Allah guide all to what pleases Him and help them avoid His Prohibitions for He is the Most Generous and Bountiful! As-salamu `alaykum warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you!)

Ruling on marrying one's stepdaughter

Q: Please advise us about a person who married the daughter of his divorcee, is this permissible?

A: It is not permissible for a man to marry the daughter of his divorced wife if he consummated his marriage with the mother, since she is considered his stepdaughter. Allah prohibits men from marrying their stepdaughters. Allah (Exalted be He) says when showing unmarriagble persons from among women: ﴾your step daughters under your guardianship, born of your wives to whom you have gone in﴿ "Gone in" means to have sexual intercourse with them. However, if that man did not consummate the marriage with the mother and then divorced her, it is permissible then to marry her daughter. Allah (Glorified be He) says: ﴾but there is no sin on you if you have not gone in them (to marry their daughters)﴿

The first husband of the mother is a Mahram (spouse or unmarriageable relative) for her daughters from her second husband

Q 7: The questioner is from Riyadh. He says in his inquiry:

(Part No. 21; Page No. 13)

A man got married to a woman and had a son. Then, this woman got married to another man and had two daughters. Are the two daughters Mahrams (spouse or unmarriageable relative) for the ex-husband of their mother who is the father of their maternal half-brother? Please answer my question. May Allah reward you with the best!

A: If a man got married to a woman, consummated the marriage, then divorced her and she got married to another man, her daughters from the second husband will be Mahrams for the ex-husband of their mother. Allah (may He be Praised) says in pointing out the prohibitions in marriage in Surah An-Nisa': (your step daughters under your guardianship, born of your wives to whom you have gone in - but there is no sin on you if you have not gone in them (to marry their daughters)) But Allah's (may He be Praised) Saying: (under your guardianship, born of your wives) is a general description, not a condition according to people of knowledge. This is because Allah (Exalted be He) says: (but there is no sin on you if you have not gone in them (to marry their daughters)) Allah (Glorified be He) does not say that if they are under your guardianship, there will be no blame on you. Moreover, the Prophet (peace be upon him) said to his wives: ("Do not present to me your daughters or your sisters (in marriage)...") Likewise, the stepdaughters of the wife after consummation of the marriage if those

(Part No. 21; Page No. 14)

daughters are from the ex-husband of the wife. They have the same ruling of the daughters that are born to another husband after divorcing their mothers. Allah is the Grantor of success!

Whether the daughter of one's divorcee is a Mahram or not

Q 8: I got married to a woman and then divorced her. This woman got married to another man and had a daughter. Am I a Mahram (spouse or unmarriageable relative) for this daughter? It is worth mentioning that I am no longer a Mahram for her mother since I have divorced her. Does it make any difference if it was the first, second or third divorce? If I am a Mahram for her, may you provide me with conclusive evidence on that? May Allah reward you with the best!

A: If you consummated your marriage with a woman, the daughters of this woman from another man would be considered your stepdaughters. In this case, they are Mahrams for you. Allah (Glorified and Exalted be He) says when identifying Mahrams from among women in Surah Al-Nisa': ﴿your step daughters under your guardianship, born of your wives to whom you have gone in - but there is no sin on you if you have not gone in them (to marry their daughters)﴾ Consummating marriage means having sexual intercourse with one's husband.

(Part No. 21; Page No. 15)

As for the saying of Allah (Glorified be He): ﴿under your guardianship, born of your wives﴾ It is a general rule and not a precondition according to the more correct of the two opinions of scholars. That is why Allah (Glorified be He) says: ﴿but there is no sin on you if you have not gone in them (to marry their daughters)﴾ He does not repeat His saying: ﴿under your guardianship﴾ Moreover, the Prophet (peace be upon him) said to Um Habibah (may Allah be pleased with her): ﴾"Do not present to me your daughters or your sisters (for marriage)."﴿ He (peace be upon him) did not stipulate that they should be the stepdaughters who are under one's guardianship. May Allah grant us success!

The stepmother is not a Mahram for the husband of the stepdaughter

Q 9: My father married a second woman and begot a son from her, can my husband be her Mahram (unmarriageable relative) and see her without Hijab (veil)? It is worth mentioning that my father is my husband's maternal uncle and so she is the wife of my husband's uncle. Give us your Fatwa (legal opinion issued by a qualified Muslim scholar) in this regard, may Allah reward you with the best!

(Part No. 21; Page No. 16)

A: The stepmother is not a Mahram for the husband of the stepdaughter. The Mahram relationship exists between the wife's mother and the husband of her own daughter. Pointing out the female Mahrams, Allah (Glorified and Exalted be He) says: ﴾your wives' mothers﴿ The stepmother is not a mother of the husband's daughter of a previous wife. The same applies to both the wife's mother by blood and by breastfeeding. The Prophet (peace be upon him) said: ﴾Milk relationships are equal to blood relationships in rendering marriage unlawful i.e., whatever is prohibited due to blood relationships is also prohibited by milk relationships.﴿ (Agreed upon by Al-Bukhari and Muslim) Allah is the Grantor of success!

The stepson of a person is not considered a Mahram to his sisters

Q 15: My brother got married to a woman who had a son from a previous marriage. My brother brought up this stepson, who was an orphan, since the latter was only two years old. He is twenty five years old now. Do I have to wear Hijab (veil) in front bearing in mind that my brother took charge of him and raised him

(Part No. 21; Page No. 17)

in his orphanage?

A: The concerned boy is not your brother's son unless your brother's wife breastfed him after being married to your brother or that your father's wife did so. In such a case, the boy referred to in the question is considered your foster brother. However, if such a boy was not breastfed by your brother's wife or father's wife five full times during his early two years of age, he is considered Ajnaby (man lawful for the woman to marry) for you. He is not considered your Mahram (unmarriageable relative) just because your brother brought him up. Allah is the Grantor of success!

Ruling on marrying a divorcee and her stepdaughter at the same time

Q 11: Is it permissible for a man to marry a divorcee and her stepdaughter at the same time? What is Your Eminence opinion on the juristic rule that states, "It is Haram (prohibited) to marry two women who have the same Mahram (spouse or unmarriageable relative) at the same time such that if one of them had been a man, it would not have been permissible for him to marry the other woman"?

A: In the chapter on women unlawful for marriage, scholars discussed this

matter and stated that it is permissible for a man to marry a widow or a divorcee and her stepdaughter at the same time. They supported their view with the fact that `Abdullah ibn Ja`far ibn Abu Talib (may Allah be pleased with them) married one of the widows of his uncle `Aly and his daughter from another wife. This does not contradict the mentioned juristic rule for there is no blood relation between them that prohibits the marriage to one another, if one of them had been a man. They are related to each other through marriage. Affinity relationship does not impede the marriage of one another, if one of them had been a man. The relationship that impedes marriage is between a woman and her maternal and paternal aunts through blood or suckling. The prohibition of marrying two sisters at the same time is mentioned in the Qur'an in Surah Al-Nisa'. Allah (Glorified be He) says: (and two sisters in wedlock at the same time)

It was authentically reported on the authority of Abu Hurayrah and Jabir ibn `Abdullah (may Allah be pleased with them) that Allah's Messenger (peace be upon him) forbade that a woman should be married to a man along with her paternal or maternal aunt at the same time. The Hadith of Abu Hurayrah was related by Al-Bukhari and Muslim, and the Hadith of Jabir was related by Al-Bukhari rather than Muslim.

Al-Bukhari (may Allah be merciful with him) stated in Book on Marriage, chapter on "Women lawful and unlawful for marriage", the above-mentioned incident of `Abdullah ibn Ja`far, which he commented on in the assertiveness form. He said: `Abdullah ibn Ja`far married the daughter and the widow of `Aly at the same time. Shaykh-ul-Islam Ibn Taymiyyah (may Allah be merciful with him) narrated that the Four Imams (Abu Hanifah, Malik, Al-Shafi`y, and Ahmad) as well as other scholars have permitted a man to combine a woman and her stepdaughter in marriage. This was reported by Shaykh `Abdul-Rahman ibn Qasim (may Allah be merciful with him) in Majmu` Al-Fatawa, vol. 32, p.71. Al-Hafizh ibn Hajar stated in Al-Fath that just as `Abdullah ibn Ja`far did, another Companion called Jabalah, who was appointed as the governor of Egypt, and `Abdullah ibn Safwan ibn Umayyah did.

Thus, there is no impediment in such a matter for no one objected to the marriage of the Companions who did so. The basic rule regarding this matter is that it is permissible since all women are lawful to be married except those whom Allah has prohibited. After mentioning the unlawful women to be married in Surah Al-Nisa', Allah (Glorified and Exalted be He) says: (All others are

lawful) Thus, the women unlawful to be married are only those who were prohibited by evidence. Also, combining between two women is permissible unless it is prohibited by Shari`ah (Islamic law). A person should know that there is no difference between the maternal and paternal aunts with regard to the degree of kinship.

According to scholars, it is not permissible for a man to marry a woman and her maternal or paternal aunts, however high, at the same time or to combine between a woman and her niece however low. This is because a man's maternal or paternal aunts are considered aunts of his children as well, however low.

Ruling on marrying five women or more

Q 12: If a person is married to four wives and marries a fifth wife later and she gives birth to one baby, will the baby belong to this father?

A: There is no doubt that marriage to a fifth wife is Batil (null and void) as agreed upon unanimously by scholars (may Allah be merciful with them). Al-Hafizh ibn Kathir (may Allah be merciful with him) mentioned in his Tafsir (explanation of the meanings of the Qur'an) that scholars, except Shi`ah (Shi'ites), unanimously agreed that it is prohibited to marry a fifth wife. However, the obligation to mete out Had (ordained punishment for violating Allah's Law) on a person who marries a fifth wife is a controversial matter among scholars, as mentioned by Al-Qurtuby (may Allah be merciful with him) in his Tafsir and other scholars.

Regarding, the baby belonging to a person who marries a fifth wife, this has to be detailed. If this man believes that

this marriage is valid out of ignorance, doubtful matter or Taqlid (strictly following a specific School of Jurisprudence), in this case the baby will belong to him. Otherwise, the baby will not belong to him. The author of "Al-Mughny" mentioned this ruling and other rulings to the same effect regarding one who marries a woman in her `Iddah (woman's prescribed waiting period after divorce or widowhood). It is known that marrying a woman in her `Iddah is Batil as unanimously agreed by scholars. Yet, lineage is proven in case of a doubtful marriage, that is, marriage is concluded while not knowing that the woman is in her `Iddah or not knowing that it is not permissible to marry a woman in her `Iddah. If lineage is proven when such marriage is concluded based on a doubtful matter, then it is more deserving to be proven in case of marrying a fifth wife, since it is unanimously agreed that marrying a woman in her `Iddah is Batil but marrying a fifth wife is permissible according to the Shi`ah. However, we should not consider their opinion at all. Also some of Zhahiryyah (those who follow the literal meaning of the texts) differed in that as mentioned by Al-Qurtuby in his Tafsir. Shari`ah-based evidence indicate that The Law-Giver (Allah) prescribes the preservation of lineage. Thus, it is obligatory to do this as much as possible.

There is no doubt that doubtful marriages prevent applying Hudud and prove lineage. Hudud may not be meted out in case of doubtful marriages yet the defendant may be subjected to Ta`zir (discretionary punishment) while proving the lineage to him so as to combine all legal benefits. May Allah grant us success!

Whether one's ex-father-in-law is a Mahram or not

Your Eminence, Shaykh `Abdul-`Aziz ibn `Abdullah ibn Baz, may Allah safeguard you!

As-salamu `alaykum warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you!) To proceed...

I married a man and gave birth to children then he divorced me and kept the children with his father. I need to visit my children at the house of my ex-husband's father from now and then. I go with my current husband there who does not mind doing so and my ex-husband's father sees my face. My brothers try to prevent me and some of them say that my ex-husband's father is no longer a Mahram (spouse or unmarriageable relative) to me. I have the following inquiries:

First: Is my ex-father-in-law no longer a Mahram after his son has divorced me?

Second: If he is still a Mahram, should I visit him and keep kinship ties with him?

Third: Am I to be blamed if I go to my children and show myself to this man, who is their grandfather, knowing that I do not show myself to my ex-husband

as he has married and lives in another place? Please advise, may Allah reward you with the best!

A: As-salamu `alaykum warahmatullah wabarakatuh

It is permissible to show yourself before your ex-husband's father as he is a Mahram to you even if his son has divorced you. If this man is a good and righteous person, it is permissible to visit him with your husband or Mahram at appropriate times. It is even permissible for you to visit him without your husband or Mahram if his house is close and you need not travel or incur hardships to go there, provided that your husband agrees to that. May Allah guide us all to what pleases Him! As-salamu `alaykum warahmatullah wabarakatuh

Grand Mufty of the Kingdom of Saudi Arabia

`Abdul-`Aziz ibn `Abdullah ibn Baz

14- Being Raised with Someone does not make him a Mahram (spouse or unmarriageable relative)

From `Abdul-`Aziz bin `Abdullah ibn Baz to the honorable brother the questioner, may Allah keep you safe!

As-salamu `alaykum warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you!) To proceed:

With reference to your asking for Fatwa registered in the Departments of Scholarly Research and Ifta' with No. (513), dated 5/2/1407 A.H., in which you asked a few questions,

I would like to inform you that you have to prevent your wife from attending parties which entail free intermixing of women with non-Mahram men (not a spouse or an unmarriageable relative), even if her father does not agree to preventing her from that as there is no obedience to a creature in disobeying the Creator. Hence, it is incumbent upon you to inform the concerned body; the Committee for the Propagation of Virtue and the Prevention of Vice to prevent the free intermixing of men and women in parties.

Regarding the girl whom your father raised with you since she was young, you are not a Mahram for her and it is not permissible for you to kiss her and she has to wear Hijab before you unless she was fostered by your mother or by the wife of

your father or by any of your sisters five or more than five times in her first two years. Also, if you were fostered by her mother five or more than five times or you and her were fostered by another woman five or more than five times in the first two years, she will be your foster sister and it would be permissible for you to shake hands with her and to be a Mahram for her except in marriage contracts.

(Part No. 21; Page No. 26)

Whether one's son-in-law is a Mahram or not

Q 15: There is a woman who has a married daughter. This woman veils herself before the husband of her daughter; she does not eat with him; and she does not shake hands with him even on occasions. What is the ruling on this?

A: A son-in-law is a Mahram (unmarriageable relative) for his mother-in-law. Allah (Glorified be He) says about unmarriageable relatives from among women: (your wives' mothers) This opinion is unanimously agreed upon among scholars. The mother of a person's wife as well as her paternal and maternal grandmothers are Mahrams for him according to the text of the Ayah (Qur'anic verse) mentioned above. The mother-in-law is not required to unveil before her son-in-law or eat with him, but if she does so, it will be better in order to spread affinity and love among them all and to follow Allah's guidance Who permits her to do this.

Observing Hijab before one's son-in-law

Q 16: I have eight daughters. Four of them got married. I observe Hijab (veil) before two of my sons-in-law and do not observe it before the others. Please advise whether

(Part No. 21; Page No. 27)

it is permissible for me not to wear Hijab before them.

A: Your sons-in-law are Mahrams (unmarriageable relatives) for you. Therefore, you are permitted to uncover your face, hands and feet before them. But it is not an obligation. The Prophet (peace be upon him) said: ﴾Take advantage of the concessions which Allah has given to you.﴿ He (peace be upon him) also said: ﴾Allah loves that His concessions be acted upon.﴿ Moreover, observing Hijab before your sons-in-law contradicts Shari`ah (Islamic law) and causes desolation and hatred. Therefore, you have to give up observing Hijab before them and work according to the legal concession in this regard. Also, observing Hijab before some of them while not observing it before others plants doubt, suspicion and inquiry. It may even cause desolation and annoyance. Therefore, you have to give up observing Hijab before all of them.

Your husband's sons from earlier or later marriages are Mahrams for you

Q 17: A woman got married to a man who had sons from another wife. He divorced her and married another wife who begot him a son.

(Part No. 21; Page No. 28)

He asked her to raise this son. She did, but did not breastfeed him. Are all the husband's sons regarded her Mahrams (unmarriageable relative)?

A: All your husband's sons from earlier or later marriage are regarded as Mahrams. You, therefore, do not have to wear Hijab before them as Allah (Glorified and Exalted be He) says inSurah An-Noor: (and not to reveal their adornment except to their husbands, or their fathers, or their husband's fathers, or their sons, or their husband's sons) In this Ayah Qur'anic verse), Allah (may He be Praised) points out that the husband's fathers and sons are regarded as Mahrams for the wife.

(Part No. 21; Page No. 29)

Chapter on conditions and defects of marriage

(Part No. 21; Page No. 30)

(Part No. 21; Page No. 31)

18- Forbidding Shighar marriage

From `Abdul-`Aziz ibn `Abdullah ibn Baz to his dear brother S.`A.Y. May Allah guide him to all goodness! Amen.

As-salamu `alaykum warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you.)

I received your gracious letter dated 18/6/1393 A.H. and its content was clear. Below are the question and the answer. You inquired about two brothers who have a son and a daughter each. One of them asked the other to let his son marry his daughter, but he refused at first, and then he agreed, provided that he lets his son also marry the daughter of his brother in return. One of them paid a sum of money for his son's marriage, and his brother returned the sum of money for his son's marriage as well. Each of them concluded the marriage contracts of their daughters to their nephews in the same setting. One of the sons was absent, and the other was present, so the present one concluded his marriage contract, while the other one's marriage still awaits his arrival. Please, advise as soon as possible concerning the ruling of Shari`ah (Islamic law) in this case, so that we can settle this situation before the absent one returns and marries his cousin.

(Part No. 21; Page No. 32)

A: This marriage contract is invalid, because it is authentically reported that the Prophet (peace be upon him) forbade Shighar marriage (exchange of daughters or sisters for marriage with no mandatory gift to a bride from her groom), which is the same form of marriage concluded here. The two couples should be separated. If one of the women wants her husband, there is no harm in renewing the contract, provided that it is not stipulated to marry her cousin to her sister. If one of them does not want her husband, he should divorce her once. We wrote you a letter about this issue and a copy of it has been attached. May Allah grant everyone good understanding of His religion and adherence to it. He is the Best One asked for help.

As-salamu `alaykum warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you.)

(Part No. 21; Page No. 33)

19- Obligation of making Tawbah from Shighar marriage and renewing the contract of marriage if the two wives desire so

From `Abdul-`Aziz ibn `Abdullah ibn Baz to the respected brother the inquirer, may Allah grant you success! Amen.

As-salamu `alaykum warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you!)

A person has come and told me that he proposed to you asking to marry your sister so you accepted his proposal provided that he would marry you to his daughter which he accepted. Then he asked for a Fatwa in this issue. I thus told him that such a contract of marriage is not permissible as it is a sort of Shighar marriage (exchange of daughters or sisters for marriage with no mandatory gift to a bride from her groom) that the Prophet (peace be upon him) forbade. It is the same marriage that the Bedouins call Al-Badal marriage (a pre-Islamic practice of mutually exchanging wives). You all have to make Tawbah (repentance to Allah) of this and feel remorse for what you have done. Moreover, you have to conclude new contracts of marriage if each wife desires to continue her marriage provided that you avoid doing this in a form of Badal (exchange). Conversely, if the concerned wives would not like to

(Part No. 21; Page No. 34)

continue their marriages, they have to be given one Talaq (divorce). On the other hand, you are not to receive any Mahr (mandatory gift to a bride from her groom) if you consummated your marriage to the concerned person's daughter. Likewise, he is not to receive any Mahr if he consummated his marriage to your sister. As it is mentioned that you did not consummate your marriage, your wife is not entitled to receive any Mahr if she does not want to renew the marriage contract with you. Finally, if you have any further enquiries you can visit me, or visit His Eminence the judge of the `Afif province, or any other judge to get more clarification. May Allah guide us all to all that pleases Him! As-salamu `alaykum warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you!)

(Part No. 21; Page No. 35)

20-

Shighar marriage is invalid and liable for divorce

From `Abdul-`Aziz ibn `Abdullah ibn Baz, to the honorable brother His Eminence Judge of court of Qilwah, may Allah guide him to every goodness! Amen!

As-salamu `alaykum warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you!)

Our beloved brother! We have received your honored letter numbered (226), dated 2/5/1393 A.H. May Allah guide you to all goodness! The text of your letter is read as follows: I would like to inform you that I have a case in Qilwah court as follows: Two people came to me and said that one of them married the other to his sister on a condition that he will marry him to his daughter when she reaches puberty. There seemed to be some discord among them and the man divorced his wife and the other broke off his engagement. In my point of view, the cause behind it was that marriage and engagement took place while they were unaware of the ruling and when they found out that what they did was Shighar marriage (exchange of daughters or sisters for marriage with no mandatory gift to a bride from her groom) which is not permissible, the married one divorced his wife and the fiancé broke off his betrothal. However, they said that the one who divorced his wife wants to remarry her with a new dowry and they asked me about the ruling on this. In addition, it is noted that the woman delivered a baby after she was divorced and it was difficult to me to decide whether this divorce is counted or not and did the woman become unmarriageable to him or not?

(Part No. 21; Page No. 36)

Therefore, I referred the case to you and I hope that you will inform me of what should be observed in the case at hand.

I would like to inform you that the referred to marriage in the way mentioned above is null and void according to the sounder of the two opinions of scholars. Also, the preponderant opinion of scholars is that the invalid marriage is eligible to divorce but according to what you mentioned the divorce that happened is counted as one time of divorce which is what was authentically recorded in Sahih Muslim on the authority of Ibn `Abbas (may Allah be pleased with them) that this divorce was counted as one time of divorce during the lifetime of the Prophet (peace be upon him) and the time of Abu Bakr and two years of `Umar's Caliphate. Also, a group of Salaf (righteous precedents) and those who came after them gave their Fatwa (legal opinion issued by a qualified Muslim scholar) on this basis and we give Fatwa in accordance with it. Moreover, this view is the choice of Shaykh-ul-Islam Ibn Taymiyyah and his disciple Ibn Al-Qayyim, the great scholar (may Allah be merciful with them both). On this basis, there is no harm to return the woman to her husband again with a new marriage contract meeting the conditions prescribed by Shari'ah (Islamic law) and there remains for him two other times of divorce. I ask Allah to help all understand what is right in word and deed for

He is the Best One asked for help! As-salamu `alaykum warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you!)

The custom of

eliminating Shighar Marriage through imposing a fine is permissible

Q 21: There is a tradition in our tribe that the people who get married by the means of Shighar (exchange of daughters or sisters for marriage with no mandatory gift to a bride from her groom) are fined fifteen thousand Riyals. This fine is to deter and punish them. Is the money taken from them lawful or not taking into consideration that the money is deposited in the fund established by the tribe for the needy?

A: The agreement the tribe put in force that the people who get married by the means of Shighar are demanded to pay a sum of money to deter and punish them comes under the heading of resisting evil through imposing a fine. Imposing a fine as a means of Ta`zir (discretionary punishment) and resisting evil is permissible and common in Shari`ah (Islamic law), according to the most correct opinion of Muslim scholars. Hence, there is nothing wrong if the tribe agrees that the persons who get married by the means of Shighar are fined provided that neither the government nor the court has any objection. There is no harm In sha'a-Allah (if Allah wills) if they acknowledge this act.

Shighar is that a man gives his daughter or sister in marriage on the condition that the other gives his daughter or his sister to him in marriage. This kind of marriage is prohibited by the Prophet (peace be upon him).

He (peace be upon him) has forbidden Shighar saying: (Shighar means that a man says to another, "You marry my daughter and I'll marry yours, or you marry my sister and I'll marry yours (without paying Mahr (mandatory gift to a bride from her groom)).) It implies that each bride represents Mahr (mandatory gift to a bride from her groom) for the other. This practice results in major evil and oppression towards women, and blocking the use of property in marriage. Allah (may He be Praised) says: (you seek (them in marriage) with Mahr (bridal-money given by the husband to his wife at the time of marriage) from your property, desiring chastity, not committing illegal sexual intercourse) To sum up, this means that Shighar is Munkar (that which is unacceptable or disapproved of by Islamic law and Muslims of sound intellect). The penalty imposed by the tribesmen or villagers to deter those who do this practice is proper if the government or the court shows no objection. The fine money should be used for the public benefit through the funds which are established for helping the poor to get married or meet their needs.

The obligation of the Waliy's approval of the marriage contract

Q 22: Is the approval of the Waliy (a legally accountable person acting for a woman seeking marriage) conditional when a previously married woman marries once again? What are the conditions of the valid marriage in this case?

(Part No. 21; Page No. 39)

A: Of the conditions of the validity of marriage is its being contracted by a Waliy, whether the woman has or has not been previously married. The Prophet (peace be upon him) said: ﴾There is no marriage without the permission of a Waliy.﴿ The Prophet (peace be upon him) also said: ﴾No woman may conduct the marriage contract of another woman, and no woman can conduct the marriage contract on behalf of her own self﴿ As for the woman who has previously married, she should not be given in marriage except after taking her vocal permission, but as for the virgin, her silence indicates her consent. The Prophet (peace be upon him) said: ﴾A matron should not be given in marriage except after consulting her; and a virgin should not be given in marriage except after her permission. The people asked, "O Allah's Messenger! How can we know her permission?" He said: "Her silence (indicates her permission)."﴿ (Agreed upon by Al-Bukhari and Muslim)

It was reported in the Sahih Muslim that the Prophet (peace be upon him) said: ﴾A woman who has been previously married has more right to her person than her Waliy; and a virgin's father must ask for her consent, her consent being her silence.﴿ The meaning of the Prophet's (peace be upon him) saying: ﴾A woman who has been previously married has more right to her person than her Waliy,﴿ is that her Waliy is not permitted to give her in marriage to anyone except after taking her express consent.

(Part No. 21; Page No. 40)

This is to reconcile between the Hadith mentioned in this subject. This is the opinion of the Jumhur (dominant majority of scholars) which is in accordance with the authentic Hadiths. Allah is the Grantor of success!

Declaration of a marriage

Q 23: What is the ruling on celebrating the marriage through means of amusement such as Khatwah and dance without beating drums and the like?

A: It is prescribed to announce marriage by the Duff (a tambourine-like instrument without bells) and the common songs among women. This is a way to announce marriage to avoid its being adultery. There is nothing wrong with women's singing among themselves the common songs praising the husband or the wife's family or with women's beating the Duff provided that they are not intermixed with men. As for dancing, there is nothing wrong with the women's dancing among women. As for the Khatwah, I do not know it. If Khatwah means dancing among women or holding a Walimah (wedding dinner) for the relatives, it is fine. The questioner should point out the meaning and description of Khatwah.

(Part No. 21; Page No. 41)

Muslims should fulfill their conditions

Q 24: I agreed with my father-in-law to live near them after marriage. However, after marriage, I was obliged to live in a different city away from them and due to work and living circumstances, my wife agreed to move with me. Her father strongly objects to this, though my wife does not object. Am I considered, in this case, a sinner for breaking the pledge with my father-in-law? Give me your Fatwa (legal opinion issued by a qualified Muslim scholar), may Allah reward you with the best!

A: If your wife agrees to move with you, there is no harm in doing so. But if she does not agree, you are not permitted to force her to move with you for Muslims should abide by their conditions. If she agrees, neither her father nor her mother can prevent her, for you are in need of her. However, if she is of the opinion of her parents and wants you to fulfill your pledge, you have to do so. The Prophet (peace be upon him) said: ﴾Muslims are on (i.e., stick to) their conditions.﴿ He (peace be upon him) also said:

(Part No. 21; Page No. 42)

﴾The stipulations most entitled to be abided by are those with which you are given the right to enjoy the (women's) private parts (i.e., the stipulations of the marriage contract).﴿ (Agreed upon by Al-Bukhari and Muslim)

Marriage without a Waliy is a Munkar

Q 25: A woman got married to someone who abandons Salah (Prayer) without the permission of her Waliy (a legally accountable person acting for a woman seeking marriage). She was given advice many times but she refused. Moreover, she performs Salah. What is the ruling on this case?

A: In this case, such a woman has combined between two kinds of Munkar (that which is unacceptable or disapproved of by Islamic law and Muslims of sound intellect). The first is getting married without permission from her Waliy. The second is getting married to a person who abandons Salah and she is a Muslim who performs Salah. Doing so is not permissible because giving up Salah while denying its obligation is Kufr (disbelief).

A question

Q 26: Is the marriage mentioned in the previous question a valid marriage? What is the ruling if they have children? What is the ruing on their marital life?

(Part No. 21; Page No. 43)

A: This marriage is not legally valid. He has to divorce her one time in order to remove any suspicion. This is because many scholars believe that abandoning Salah is not Kufr (disbelief) if he does not deny its obligation. But if he denies its obligation, he will be considered a disbeliever according to the Ijma` (consensus of scholars). Moreover, having no Waliy (a legally accountable person acting for a woman seeking marriage) nullifies a marriage according to the Jumhur (dominant majority of scholars). This marriage has two nullifiers of marriage; the nonexistence of Waliy and being a non-Muslim while his wife is a Muslim woman. Therefore, this marriage is not legally valid. But the children of this husband are ascribed to him because of the suspicious matter in this marriage. Moreover, this person has to repent to Allah and divorce her. Then, he can hold a marriage contract again if he desires to return her back and if she desires to return to him. This can be done if her Waliy or he who acts on his behalf is a Muslim man.

Whoever gets married through unlawful earning his marriage will be valid if he repents to Allah

Q 27: A man gained all his fortune through unlawful means. He used this money in his marriage, performance of Hajj, and trading. Yet, he wants to repent to Allah. So, what should he do?

A: If one repents, Allah will accept his repentance. But the permissibility of money is a bone of contention among Muslim scholars. Some scholars

(Part No. 21; Page No. 44)

considered this money to be lawful. Allah (Exalted be He) says: ﴾So whosoever receives an admonition from his Lord and stops eating Ribâ (usury) shall not be punished for the past; his case is for Allâh (to judge); but whoever returns [to Ribâ (usury)], such are the dwellers of the Fire - they will abide therein.﴿ If one takes from it what is sufficient for him and gives what remains as charity, it will be sufficient In sha'a-Allah (if Allah wills). But if one gives it all as charity in all charitable deeds, it will be much better and safer for him. If one is poor, he will be permitted to make use of it. This is because Allah (Exalted be He) says: ﴾shall not be punished for the past﴿ This includes all the disbelievers who embraced Islam while they used to deal with Riba (usury/interest) which is prohibited for them. The Prophet (peace be upon him) did not ask them to return money back to its owners after they embraced Islam and repented to Allah. Some scholars said that the Muslim is similar to a disbeliever in this regard. Moreover, he will be more worthy of that money than disbelievers. This is because depriving him of that money may drive him away from repenting to Allah. But if it is easy to give it as charity, it will be better in order to stay away from any contention among scholars with regard to his money. Moreover, his Hajj (Pilgrimage) will be valid because it is a physical deed that has no relation to money.

If the witness abandons Salah, the marriage contract should be held again

Q 28: A Muslim man who commits to his religion and performs Salah (Prayer) regularly got married to a Muslim woman. One of the two witnesses

(Part No. 21; Page No. 45)

of the marriage contract used to abandon Salah. Moreover, he might commit major sins as drinking alcohol. Is the marriage contract legally valid in this case? Moreover, there were many Muslim men who performed Salah who attended the marriage contract and witnessed these arrangements. What is the ruling on this contract? Should we re-hold this contract again?

A: If the marriage contract was attended only by two witnesses, one of them abandons Salah, the marriage contract should be re-held again because the witness was not a just person. This is because the marriage contract has to contain two just and upright witnesses along with the Waliy (a legally accountable person acting for a woman seeking marriage). If upon holding the marriage contract or upon the Waliy's saying: "I offer you to marry...", and the husband's saying: "I accept...", the marriage contract was not attended but by two witnesses, one of them is indecent or abandons Salah, the marriage contract should be re-held again.

Ruling on getting married without a contract

Q 29: A man got married to a woman without a contract or witnesses after making sure that she was three-months pregnant.

(Part No. 21; Page No. 46)

He held a marriage contract and then she gave birth to a baby. Then, she became pregnant again. During her pregnancy, he divorced her once. After a week, he divorced her three times. He asked a person who is not a scholar. He told him that his marriage is valid and he has to continue in his marriage. What is the ruling on the first baby? What about divorcing her three times? Moreover, after divorcing her three times, their marital life continued and she had three children. What is the ruling on this case?

A: If his first marriage was done without a contract, then it is considered an explicit Zina (adultery). The illegitimate child will not be ascribed to his father. It will be ascribed to his mother. This person should be punished with the Had (ordained punishment for violating Allah's Law) of Zina. If he is a Muhsan (someone in a state of fortification against illegal sexual intercourse outside marriage by virtue of valid current or previous marriage), he will be punished with stoning to death. But if he is not Muhsan, he will be punished with flogging one hundred stripes and exiled for one year. Moreover, he has to go to the legal court in his country to inform him about what he should do.

May Allah guide us and you!

Stipulating having the right of divorce in the woman's hand is not valid

Q 30: A woman stipulated, before contracting marriage, a condition for her would-be husband not to ever divorce her, and he agreed to that condition. Is this condition

(Part No. 21; Page No. 47)

valid or not? Does the woman have a right to stipulate a condition to have the `Ismah (the bond of marriage, i.e., the right to initiate divorce) in her hand?

A: This condition is not valid, and he can divorce her whenever he desires. It is not permissible for the woman to stipulate a condition to have the right to divorce herself. The sound viewpoint is that it is not permissible to stipulate that the woman has the right of divorce or that her husband is not to divorce her, as there may be new circumstances that make divorce necessary. If he makes a condition not to divorce her, he can divorce her, if necessary, because this condition is not valid.

Undesirability of accepting to marry someone who works in a bank that deals with Riba

Q 31: A young man proposed to marry my daughter who is 27 years old. We agreed on every thing but the young man works in a Riba (usury/interest)-based bank. When we asked him to leave the bank, he said that if he finds other work, he does not mind leaving this work provided that he will be paid a salary that approximately equals what he is given in the bank. He provides for two families and his work in the bank is in the department of exchange. Please, give me a Fatwa (legal opinion issued by a qualified Muslim scholar). Is there a sin on me if I give my daughter to this man in marriage?

A: If the state of the one proposing for marriage is as stated, then our advice is that you should not accept his proposal so long as he continues working in such a job. May Allah guide us all to what pleases Him!

General Mufty of the Kingdom of Saudi Arabia

A husband addicted to smoking

Q 32: My husband is addicted to smoking and he suffers from asthma. Many conflicts aroused between us because of his inability to give up smoking. To come to the point, five months ago my husband prayed two Rak`ahs (units of Prayer) for the sake of Allah and took an oath not to smoke again. Nevertheless, my husband returned to smoking only one week after taking this oath. Problems started again between us. I thus asked him to divorce me but he promised me that he is giving up smoking forever and that he will never smoke again. However, I do not trust him at all. What is your opinion? What is the Kaffarah (expiation) for my husband's oath that I mentioned above? What do you advise me to do? May Allah reward you with the best!

A: Smoking is one of the evil Haram (prohibited) things for it has many harms. Allah (Glorified be He) says in Surah (Qur'anic chapter) Al-Ma'idah: ﴾They ask you (O Muhammad صلى الله عليه وسلم) what is lawful for them (as food). Say: "Lawful unto you are At-Tayyibât [all kind of Halâl (lawful-good) foods which Allâh has made lawful (meat of slaughtered eatable animals, milk products, fats, vegetables and fruits)].﴿ Allah (Exalted be He) says also in Surah Al-A`raf while describing the Prophet Muhammad (peace be upon him): ﴾he allows them as lawful At-Tayyibât (i.e. all good and lawful as regards things, deeds, beliefs, persons, foods), and prohibits them as unlawful Al-Khabâ'ith (i.e. all evil and unlawful as regards things, deeds, beliefs, persons and foods)﴿ Undoubtedly, smoking is one of the evil things and thus your husband has to abandon and beware of it.

This is to obey Allah and His Messenger (peace be upon him), beware of reasons of Allah's Wrath, keep the soundness of his Din (religion) and health, and to be kind to you.

Regarding the oath that your husband took, he has to make Tawbah (repentance to Allah) and intend not to do this again and he has to make a Kaffarah of feeding ten Miskin (needy) persons by giving them lunch or dinner or half a Sa` (about 1.5 kilo) of the staple food of the country, clothing them, or by setting free a believing slave. However, if he is unable to do any of the foregoing; he has to observe Sawm (Fast) of three days.

Finally, we advise you not to ask your husband to divorce you as long as he performs Salah (Prayer), has a good reputation, and abandons smoking. Anyway, if your husband insists on disobeying Allah (Exalted be He); you may ask him to divorce you. I ask Allah to grant him success and guide him to sincere Tawbah.

33- Marriage of a Fasiq is valid

From `Abdul `Aziz ibn `Abdullah ibn Baz to the respected brother His Eminence Shaykh S. D. K. the President of the Islamic Cultural Association in Kampala - Uganda. May Allah guide you to all that pleases Him, increase you and all members of the association in knowledge and Iman (Faith), and support His Din (religion) by you! Amen.

As-salamu `alaykum warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you!)

I received your noble letter which is dated in 05/05/1406 A. H. in which you enquired whether or not I said that a Fasiq (someone flagrantly violating Islamic law) Muslim who gets married then repents to Allah has to renew the contract of his same marriage in the Shar`y (Islamic legal) way as the first one is not considered to be a Shar`y.

A: This is not true at all for a marriage of a Fasiq to a Muslim chaste woman or a chaste woman from the People of the Book is valid. What I have declared is that a marriage contract of a Kafir (disbeliever) to a Muslim woman is not valid for Allah (Glorified and Exalted be He) says in the Glorious Qur'an

in Surah (Qur'anic chapter) Al-Baqarah: ﴾And give not (your daughters) in marriage to Al-Mushrikûn till they believe (in Allâh Alone)﴿ It means that they are not permitted to marry Muslim women unless they themselves become Muslims. Moreover, Allah (Glorified be He) says in Surah Al-Mumtahanah: ﴾then if you ascertain that they are true believers, send them not back to the disbelievers. They are not lawful (wives) for the disbelievers nor are the disbelievers lawful (husbands) for them.﴿ Accordingly, if this person makes Tawbah (repentance to Allah) and reverts to Islam, he may then be married to the Muslim woman whom we nullified her marriage to him when he was a Kafir.

(Part No. 21; Page No. 53)

Chapter on marrying Kafirs

(Part No. 21; Page No. 54)

(Part No. 21; Page No. 55)

What is the ruling on marrying women of the People of the Book?

A: It is Halal (lawful) according to the Jumhur (dominant majority of scholars), based on Allah's saying (Glorified be He), ((Lawful to you in marriage) are chaste women from the believers and chaste women from those who were given the Scripture (Jews and Christians) before your time when you have given their due Mahr (bridal-money given by the husband to his wife at the time of marriage), desiring chastity (i.e. taking them in legal wedlock) not committing illegal sexual intercourse, nor taking them as girl-friends. And whosoever disbelieves in Faith [i.e. in the Oneness of Allâh and in all the other Articles of Faith i.e. His (Allâh's) Angels, His Holy Books, His Messengers, the Day of Resurrection and Al-Qadar (Divine Preordainments)], then fruitless is his work; and in the Hereafter he will be among the losers.) Muhsanah (pl. Muhsanat) means, according to the strongest opinion of scholars of Tafsir (exegesis of the meanings of the Qur'an), a free chaste woman.

Al-Hafizh Ibn Kathir (may Allah be merciful with him) said in the Tafsir (exegesis of the meaning of the Qur'an) of this Ayah (Qur'anic verse),

"The Ayah, ((Lawful to you in marriage) are chaste women from the believers) means that getting married to chaste, free, believing women has been made lawful to you. This is an introduction to the following ruling mentioned in Allah's (Exalted be He) saying, (and chaste women from those who were given the Scripture (Jews and Christians) before your time) It is said that the Ayah only refers to the free woman, not the female slaves. This was related by Ibn Jarir on the authority of Mujahid. However, the words of Mujahid can be explained by two meanings: the first is that he intended free women, while the second is that he might have meant

(Part No. 21; Page No. 56)

chaste women as related about him in another narration, which is in conformity with the opinion of the Jumhur. Indeed, it is closer to the meaning lest the woman should be non-Muslim and unchaste at the same time, so she will be totally undesirable and her husband will be inflicted with both of these abominable characteristics. The explicit meaning of the Ayah is that it refers to chaste women who do not commit Zina (adultery). Allah (Exalted be He) says in another Ayah, (they (the above said captive and slave-girls) should be chaste, not committing illegal sex, nor taking boy-friends.) The scholars and Mufassirs (exegetes of the Qur'an) differed regarding the meaning of Allah's (Exalted be He) saying, (and chaste women from those who were given the Scripture (Jews and Christians) before your time) does it include every chaste woman from the People of the Book, free or slave, as related by Ibn Jarir on the authority of a group of scholars of Salaf (righteous predecessor) who

approved the view that the Ayah refers to chaste woman. Also, it was said that the Ayah refers to Israeli women, which is the opinion of Al-Shafi`y. It was also said that the Ayah refers to non-combatant women from the People of the Book, according to Allah's (Exalted be He) saying, ﴾Fight against those who (1) believe not in Allâh, (2) nor in the Last Day﴿ However, `Abdullah ibn `Umar did not approve marrying a Christian woman and used to say, "There is no Shirk (associating others with Allah in His Divinity or Worship) that is greater than saying that her Lord is Jesus." Allah (Exalted be He) says, ﴾And do not marry Al-Mushrikât (idolatresses, etc.) till they believe (worship Allâh Alone).﴿ Ibn Abu Hatem said, "My father told me that Muhammad ibn Hatim ibn Sulayman Al-Mu'addib told him that Al-Qasim

ibn Malik (Al-Muzany) told him that Isma`il ibn Sami` told him on the authority of Abu Malik Al-Ghifary that he said, "When the Ayah, ﴾And do not marry Al-Mushrikât (idolatresses, etc.) till they believe (worship Allâh Alone).﴿ was revealed, people refrained from getting married to them until the next Ayah was revealed, ﴾and chaste women from those who were given the Scripture (Jews and Christians) before your time﴿ Only then, people married women from the People of the Book. There were some of the Sahabah (Companions of the Prophet) who married Christians and did not see any harm in this, according to the noble Ayah that states, ﴾and chaste women from those who were given the Scripture (Jews and Christians) before your time﴿ According to their view, this Ayah qualifies that of Surah Al-Baqarah: ﴾And do not marry Al-Mushrikât (idolatresses, etc.) till they believe (worship Allâh Alone).﴿ if we were to include the People of the Book in the general meaning of the Ayah. Otherwise, there will be no contradiction between it and the former Ayah, because the People of the Book were mentioned separately from the Mushriks (those who associate others with Allah in His Divinity or worship) in more than one reference, such as Allah's (Exalted be He) saying, ﴾Those who disbelieve from among the people of the Scripture (Jews and Christians) and Al-Mushrikûn, were not going to leave (their disbelief) until there came to them clear evidence.﴿ Allah (Exalted be He) also says, ﴾And say to those who were given the Scripture (Jews and Christians) and to those who are illiterates (Arab pagans): "Do you (also) submit yourselves (to Allâh in Islâm)?" If they do, they are rightly guided﴿ This is what is meant by the words of Al-Hafizh Ibn Kathir (may Allah be merciful with him).

Abu Muhammad Muwaffaq Al-Din `Abdullah ibn Ahmad ibn Qudamah Al-Hanbaly (may Allah be merciful with him) said in his book "Al-Mughny": "Praise be to Allah, there is no difference among the scholars regarding the permissibility of getting married to women from the People of the Book.

This was related from `Umar, `Uthman, Talhah, Hudhayfah, Salman, Jabir and others. Ibn Al-Mundhir said: "There is no authentic report that anyone from the scholars of the first generations prohibited it." Al-Khallal narrated that Hudhayfah, Talhah, Al-Jarud ibn Al-Mu`alla and Udhaynah Al-`Abdy married women of the People of the Book. The rest of the scholars permitted this, but it was prohibited only by Al-Imamiyyah based on Allah's saying (Exalted be He), ﴾And do not marry Al-Mushrikât (idolatresses, etc.) till they believe (worship Allâh Alone).﴿ ﴾Likewise hold not the disbelieving women as wives﴿ However, Allah's saying (Exalted be He), ﴾Made lawful to you this day are At-Tayyibât [all kinds of Halâl (lawful) foods﴿ until His saying, ﴾and chaste women from those

who were given the Scripture (Jews and Christians) before your time when you have given their due Mahr (bridal-money given by the husband to his wife at the time of marriage)) stands in our favor in addition to Ijma` (consensus) of the Sahabah. As for Allah's saying (Glorified be He), (And do not marry Al-Mushrikât (idolatresses, etc.) till they believe (worship Allâh Alone).) it is reported that Ibn `Abbas (may Allah be pleased with him) said that it was abrogated by the Ayah of Surah Al-Ma'idah. This should be applied likewise to the other Ayah, since both Ayahs were revealed earlier than the Ayah of Surah of Al-Ma'idah.

Some other scholars said that there is no Naskh (abrogation) here, for the general meaning of the word "Mushriks" does not include the People of the Book, because Allah (Exalted be He) says, (Those who disbelieve from among the people of the Scripture (Jews and Christians) and Al-Mushrikûn, were not going to leave (their disbelief))

(Part No. 21; Page No. 59)

He (Exalted be He) also says, (Verily, those who disbelieve (in the religion of Islâm, the Qur'ân and Prophet Muhammad صلى الله عليه وسلم) from among the people of the Scripture (Jews and Christians) and Al-Mushrikûn) He (Exalted be He) also says, (Verily, you will find the strongest among men in enmity to the believers (Muslims) the Jews and those who are Al-Mushrikûn) He (Exalted be He) also says, (Neither those who disbelieve among the people of the Scripture (Jews and Christians) nor Al-Mushrikûn (the idolaters, polytheists, disbelievers in the Oneness of Allâh, pagans, etc.) like) Similarly, the entire Qur'an differentiates between them, which indicates that the word "Mushriks" does not include the People of the Book. This is the meaning of the saying of Sa`id ibn Jubayr and Qatadah. Moreover, the Ayahs they present as proof are general and include every disbelieving woman, while the Ayah we quote concerns the permissibility of marrying women from the People of the Book in particular; and the specific evidence should prevail over the general one. If this is proven, it is more proper not to marry a woman from the People of the Book, because `Umar (may Allah be pleased with him) ordered those who married women from the People of the Book to divorce them, so they divorced them except Hudhayfah. `Umar asked him to divorce her, so he said, "Do you witness that she is forbidden for me?" `Umar said, "She is not, but I order you to divorce her." Hudhayfah said, "Do you witness that she is forbidden for me?" `Umar said, "She is lawful." Hudhayfah said, "I know she is lawful for me to marry." After that Hudhayfah divorced the woman, and he was asked, "Why did you not divorce her when `Umar told you to do?" He said, "I feared that people may think that I did something that was not appropriate for me." Moreover, a Muslim man may incline to her so she may detract him from his religion or she may give birth to a child that inclines to her." This is the saying of the author of Al-Mughny (may Allah be merciful with him).

(Part No. 21; Page No. 60)

We can deduce from what Al-Hafizh Ibn Kathir and the author of Al-Mughny (may Allah be merciful with them) said that there is no contradiction between Allah's (Exalted be He) saying in Surah Al-Baqarah, (And do not marry Al-Mushrikât (idolatresses, etc.) till they believe (worship Allâh Alone).) and His saying (Glorified and Exalted be He) in Surah Al-Ma'idah, (Made lawful to you this day are At-Tayyibât [all kinds of Halâl (lawful) foods, which Allâh has made lawful (meat of slaughtered eatable animals, milk products, fats, vegetables and fruits)]. The food (slaughtered cattle, eatable animals) of the people of the Scripture (Jews and Christians) is lawful to you and yours is lawful to them. (Lawful to you in marriage) are chaste women from the believers and chaste women from those who were given the Scripture (Jews and Christians) before your time) for two reasons: first, the People of the Book are not included in the Mushriks in the general meaning of the word, for Allah (Exalted be

He) mentions each of them separately in many Ayahs such as His saying, ﴾Those who disbelieve from among the people of the Scripture (Jews and Christians) and Al-Mushrikûn, were not going to leave (their disbelief)﴿ He (Glorified be He) also says, ﴾Verily, those who disbelieve (in the religion of Islâm, the Qur'ân and Prophet Muhammad صلى الله عليه وسلم) from among the people of the Scripture (Jews and Christians) and Al-Mushrikûn will abide in the Fire of Hell.﴿ He (Glorified and Exalted be He) also says, ﴾Neither those who disbelieve among the people of the Scripture (Jews and Christians) nor Al-Mushrikûn (the idolaters, polytheists, disbelievers in the Oneness of Allâh, pagans, etc.) like that there should be sent down unto you any good from your Lord.﴿ and other Ayahs which separate the People of the Book and the Mushriks. Accordingly, chaste women from the People of the Book are not to be considered Mushriks,

(Part No. 21; Page No. 61)

who are considered forbidden to marry in Surah Al-Baqarah. Therefore, there will be no contradiction, but this is a debatable view. However, the closer meaning is that the People of the Book are to be included in the Mushriks when used in general, for they are undoubtedly Kafirs (disbelievers) and Mushriks, so they are prevented from entering Al-Masjid Al-Haram (the Sacred Mosque in Makkah), according to Allah's saying (Glorified and Exalted be He), ﴾O you who believe (in Allâh's Oneness and in His Messenger Muhammad صلى الله عليه وسلم)! Verily, the Mushrikûn (polytheists, pagans, idolaters, disbelievers in the Oneness of Allâh, and in the Message of Muhammad صلى الله عليه وسلم) are Najasun (impure). So let them not come near Al-Masjidal-Harâm (at Makkah) after this year﴿ If the People of the Book are not categorized as Mushriks in the general meaning of the word, this Ayah will not be applied to them. Mentioning the `Aqidah (creed) of the Jews and the Christians in Surah Al-Tawbah, Allah (Glorified be He) says: ﴾while they (Jews and Christians) were commanded [in the Taurât (Torah) and the Injeel (Gospel)] to worship none but One Ilâh (God - Allâh) Lâ ilâha illa Huwa (none has the right to be worshipped but He). Praise and glory be to Him (far above is He) from having the partners they associate (with Him)."﴿ He described all of them as Mushriks, because the Jews claimed that `Izra is the son of Allah, and the Christians claimed that Jesus is the son of Allah. All of them took their rabbis and their monks as lords besides Allah, which is the worst form of Shirk. There are many Ayahs that stress this meaning. Second, the Ayah in Surah Al-Ma'idah specifies that of Surah Al-Baqarah. As it is known in the science of Usul-ul-Fiqh (principles of Islamic jurisprudence), the specific proof prevails over the general proof. This principle is agreed upon by scholars, and is the correct opinion in the case in question.

(Part No. 21; Page No. 62)

It is thus evident that chaste women from the People of the Book are not to be included in the category of Mushriks, who are forbidden to marry according to the Jumhur; even it seems like Ijma' (consensus) among them in this regard according to the aforementioned words of the author of Al-Mughny. However, it is more proper to abandon this and marry a chaste Muslim woman owing to what is related from Amir Al-Mu'minin (Commander of the Believers) `Umar ibn Al-Khattab (may Allah be pleased with him), his son `Abdullah and a group of the Salaf (may Allah be pleased with them). In addition, marrying women from the People of the Book entails great dangers, especially these days when Islam has become strange, the righteous men who are well-informed in religion have become rare, and people have become more inclined to women and obedient to them in everything, except those whom Allah (Exalted be He) blessed with His Mercy. One fears that a wife from the People of the Book may detract her Muslim husband and her children to her religion and manners. Allah is the One Whose Help is sought. One might ask: "What is the wisdom behind permitting Muslim men to marry women of the People of the Book, and prohibiting Muslim women to marry men of the People of the Book?" The answer to this, and Allah knows best, might be that

Muslims believe in Allah (Exalted be He), His Messengers, and what was revealed to them, including Musa ibn `Imran (Moses, peace be upon him) and `Isa (Jesus, peace be upon him). Consequently, they believe in the Tawrah (Torah) that was revealed to Musa and in the Injil (Gospel) that was revealed to `Isa. Therefore, Allah (Exalted be He) permitted Muslim men

to marry chaste women of the People of the Book as a favor from Him and to perfect His benevolence on Muslims. However, the People of the Book do not believe in Muhammad (peace be upon him) and what was revealed on him, namely the Glorious Qur'an. As a result, Allah (Exalted be He) prohibits them to marry Muslim women unless they believe in His Prophet and Messenger, Muhammad (peace be upon him), the Seal of the Prophets and Messengers. When they believe in him, Muslim women become lawful for them to marry, and they will have the rights and duties we have. Indeed, Allah (Glorified be He) is the Most Just Judge Who is aware of the affairs of His Servants and knows what sets them right. He is the All-Wise in everything, may He be Exalted and Glorified. He is above all the falsehoods of the Kafirs and the Mushriks. There is further wisdom behind this, which is that women by nature are weak and so are obedient to their husbands. If they were made lawful for men from the People of the Book to marry, their husbands may lead them, in most cases, to adopt their religion. Therefore, Allah's Wisdom entails the prohibition of this.

Abandoning Salah renders the contract of marriage invalid

Q 35: What is the ruling on abandoning Salah (Prayer)? In fact, I heard one Shaykh in the program Nur `Ala Al-Darb saying that the marriage contract between a Muslim man and a Muslim woman who does not offer Salah is null and void even if she performs Salah after marriage. Actually, 50% of my village inhabitants do not offer Salah before marriage. Please, give us a detailed explanation.

A: It is indicated by Qur'an and Sunnah (whatever is reported from the Prophet) that Salah is the greatest and most important act of `Ibadah (worship) followed in rank only by the Shahadah (Testimony of Faith). Salah is the main pillar of Islam and it is obligatory on all Mukallafs (persons meeting the conditions to be held legally accountable for their actions) to be punctual in performing Salah in the manner prescribed by Allah (Exalted be He). Allah (Glorified be He) says: ﴾Guard strictly (five obligatory) As-Salawât (the prayers) especially the middle Salât (i.e. the best prayer - 'Asr). And stand before Allâh with obedience [and do not speak to others during the Salât (prayers)].﴿ And: ﴾But if they repent and perform As-Salât (Iqâmat-as-Salât), and give Zakât, then leave their way free.﴿ And: ﴾And perform As-Salât (Iqâmat-as-Salât), and give Zakât and bow down (or submit yourselves with obedience to Allâh) along with Ar-Raki'ûn.﴿ This clearly indicates that those who do not offer Salah may not be left their way free. Rather, they should be fought against. Furthermore, Allah (Exalted be He) says:

﴾But if they repent, perform As-Salât (Iqâmat-as-Salât) and give Zakât, then they are your brethren in religion.﴿ This indicates that those who do not offer Salah are not brethren in religion. There are many other Ayahs (Qur'anic verses) to the same effect. Similarly, the Prophet (peace be upon him) is authentically reported as having said: ﴾The peak of the matter is Islam; the pillar is Salah; and its topmost part is Jihad (Fighting/Struggling in the Cause of Allah).﴿ He (peace be upon him) is also authentically reported as having said: ﴾That which differentiates us from the disbelievers and hypocrites is our performance of Salah. He who abandons it, becomes a disbeliever.﴿ (Related by Al-Imam Ahmad and Ahlul-Sunan (compilers of Hadith compilations classified by jurisprudential themes) through a reliable Sanad (chain of narrators) on the authority of Buraydah ibn Al-Husayb (may Allah be pleased with him)). Moreover, it is related by Muslim in his Sahih (authentic) Book of Hadith on the authority of Jabir ibn `Abdullah (may Allah be pleased with them both) from the Prophet (peace be upon him) that he said: ﴾That which makes a man a disbeliever or a polytheist is abandoning Salah.﴿ It is noteworthy that the word "man" above does not exclude women, for women are similarly addressed by the same rulings by which men are addressed and vice versa unless there is a proof confining a ruling to one gender. All these and such like Hadiths

indicate that the Mukallaf (person meeting the conditions to be held legally accountable for their actions) who abandons Salah whether male or a female is considered to be a Kafir (disbeliever). Moreover, the Prophet (peace be upon him) is authentically reported to have given the following answer: ﴿When he was asked whether they should fight the rulers who would not put into practice the commands of their religion the way they should, he said: 'Unless you see open disbelief for which you have a proof from Allah.'﴾ Following is another narration: ﴿No, as long as they establish Salah among you.﴾ This clearly indicates that non-establishment of Salah is evident disbelief. Scholars differed on this issue. Some scholars are of the view that Hadith indicating judging one who abandons Salah to be a disbeliever are to be understood within the context of rebuking and severe warning and that disbelief here is less in degree than actual disbelief. This is the view of the majority of scholars. However, a group of scholars view that abandoning Salah is major disbelief based on the literal meaning of authentically reported Hadith. An example is the Hadith stating: ﴿What makes a man a disbeliever and a polytheist is abandoning prayers.﴾ In Arabic, once the definite article (Al) is prefixed to the word Kufr (disbelief) and Shirk (polytheism), it denotes major Kufr and

(Part No. 21; Page No. 67)

Shirk. The Prophet (peace be upon him) said: ﴿That which differentiates us from the disbelievers and hypocrites is our performance of Salah. He who abandons it, becomes a disbeliever.﴾ This indicates that the Hadith refers to major disbelief as the Prophet (peace be upon him) attributed it to abandoning Salah, which is the pillar of Islam. In fact, it is not strange that abandoning Salah is described as major disbelief. Therefore, `Abdullah ibn Shaqiq Al-`Uqayly, the revered Tabi`y (successor), reported that the Sahabah (Companions of the Prophet) did not considered abandoning something an act of disbelief except for Salah. The consensus of Sahabah also indicates that abandoning it is a major disbelief as they know that violation of such religious commandments as renouncing one's lineage and fighting against Muslims is disbelief that is less in degree than actual disbelief. In this regard, the Prophet (peace be upon him) said: ﴿Abusing a Muslim is Fusuq (evil doing) and fighting against him is Kufr (disbelief).﴾ Thus, doing so is disbelief that is less in degree than actual disbelief so long as one does not consider doing so lawful. By the same token, he (peace be upon him) said: ﴿Denying your ancestry is a Kufr.﴾ In addition, he (peace be upon him) said: ﴿Two (things)

(Part No. 21; Page No. 68)

are found among people which are tantamount to unbelief: slandering one's lineage and lamentation on the dead.﴾ Thus, such acts denote disbelief that is less in degree than actual disbelief, according to scholars, as the definite article (Al) is not prefixed to the word Kufr in the above-quoted Hadith. Moreover, there are also other indications to the effect that Kufr in these Hadiths denotes one that is less in degree than the major disbelief. This is unlike Salah, which is of paramount importance, is ranked immediately after the Two Testimonies of Faith and is the pillar of Islam. Allah (Glorified and Exalted be He) told us about its ruling on the occasion of enacting fighting rulings. Allah (Exalted be He) says: ﴿But if they repent and perform As-Salât (Iqâmat-as-Salât), and give Zakât, then leave their way free.﴾ The Prophet (peace be upon him) also said: ﴿I am forbidden to kill the performers of Salah.﴾ The Hadith clearly indicates that those who do not offer Salah are to be killed and may not be set free unless they repent.

In short, the sound opinion supported by stronger evidence is that abandoning Salah is a form of major disbelief even if the one who abandons it does not deny its being obligatory. In this regard, the view of the majority of scholars should not be taken into consideration. Actually, strength and

authority of an opinion depends on evidence supporting it not on the number of those holding it. Thus, there are many proofs judging one who abandons Salah to have committed a major disbelief. As for the Hadith stating: ﴾I have been commanded to fight the people until they say Laa ilaaha illa-Allah 'There is no

(Part No. 21; Page No. 69)

deity but Allah', and if they say so, then their blood and wealth are safe from me, except in cases dictated by Islamic law,﴿ it should be understood in the light of the other Hadith stating: ﴾I have been ordered to fight against the people until they testify that none has the right to be worshipped but Allah and that Muhammad (peace be upon him) is Allah's Messenger, and offer the Salah perfectly and give the obligatory charity, so if they do all that, they save their lives and property from me except for Islamic laws, and then their reckoning (accounts) will be with Allah (may He be Exalted).﴿ (Agreed upon by Imams Al-Bukhari and Muslim on the authority of Ibn `Umar, may Allah be pleased with them both). Thus, there is no safety except for those who offer Salah. Moreover, one who does not offer Salah does not, in fact, perform the dues of the Testimony of Faith. Suppose that a man says the Two Testimonies of Faith, performs Salah, observes Sawm (Fast) and does other acts of worship while considering adultery to be lawful, such a person is deemed unanimously to be a disbeliever. The same applies to those who deem wine or sodomy to be lawful, urinate on or tread a Mus-haf (an Arabic copy of the Qur'an) so as to make light of it. Such persons, who commit an act having the effect of nullifying faith, will be judged to be disbelievers and may not be saved for merely saying the Testimony of Faith. This ruling is explained by all scholars of the four Madh-habs (Schools of Jurisprudence) under chapters on apostates.

(Part No. 21; Page No. 70)

Thus, it should be known that the marriage of a Muslim, who offers Salah, and does not show any signs of disbelief, who marries a woman that does not offer Salah, is null and void and vice versa. This is because it is not permissible for a Muslim man to marry any non-Muslim woman except that of the People of the Book. Likewise, a Muslim woman may not marry a disbelieving man as Allah (Glorified and Exalted be He) says in Surah (Qur'anic chapter) Al-Mumtahanah regarding marrying disbelieving women: ﴾They are not lawful (wives) for the disbelievers nor are the disbelievers lawful (husbands) for them.﴿ He (Glorified be He) also says in Surah Al-Baqarah: ﴾And do not marry Al-Mushrikât (idolatresses, etc.) till they believe (worship Allâh Alone). And indeed a slave woman who believes is better than a (free) Mushrikah (idolatress), even though she pleases you. And give not (your daughters) in marriage to Al-Mushrikûn till they believe (in Allâh Alone) and verily, a believing slave is better than a (free) Mushrik (idolater), even though he pleases you.﴿

Ruling on concluding marriage contract for two spouses if one of them does not offer Salah

Q 36: A brother asks: I am a Ma'dhun (marriage registrant) and I heard from some scholars that the marriage contract for two spouses if one of them does not offer Salah (Prayer) is invalid and that it is not permissible to conclude it, is this correct? Should I inquire about the situation of the spouses concerning offering Salah

(Part No. 21; Page No. 71)

or conclude the contract and dismiss this inquiry? Please provide us with your beneficial answer. May Allah reward you with the best!

A: In the Name of Allah, and all Praise be to Allah! If you know that one of the two spouses does not offer Salah, you should not make the marriage contract for them. This is because abandoning Salah is Kufr (disbelief) according to the Prophet's saying, ﴾What makes one a disbeliever and a polytheist is abandoning prayers.﴿ (Related by Muslim in his Sahih) Moreover, the Prophet (peace be upon him) said: ﴾That which differentiates us from the disbelievers and hypocrites is our performance of Salah. He who abandons it, becomes a disbeliever.﴿ (Related by Imam Ahmad and the Four Compilers of Hadith (Imams Abu Dawud, Al-Tirmidhy, Al-Nasa'y and Ibn Majah) with an authentic chain of narrators) I Ask Allah to set right the conditions of Muslims and to guide the deviant ones among them! Verily, Allah is All-Hearing, Ever Near!

It is not permissible to continue your marriage

with your husband who does not offer Salah

Q 37: My contract of marriage was concluded to a young man but we have not consummated our marriage yet. However, I desire to be divorced on the basis of several reasons. Among of these reasons are the following: My fiancé

(Part No. 21; Page No. 72)

a bad-mannered and uneducated person to the extent that he slanders me in our gatherings and in front of people on the one hand. On the other hand, though our contract of marriage was concluded more than five months ago; he does not provide for my maintenance. He does not give me any money so I am compelled to beg for money from my father and mother. In addition, my husband does not offer Salah (Prayer). When he performs Salah, He only does so for about two days then abandons Salah for one full month. What should I do? I advised him repeatedly but in vain. Provide me with your beneficial answer please. Is it permissible for me to seek Talaq (divorce) or am I sinner in doing so? May Allah bless you!

A: If the condition of your husband is as you mentioned in the question, i.e., that he rarely offers Salah and mostly abandons it; it is not permissible for you to continue such a marriage for abandoning Salah is major Kufr (disbelief) according to the most correct of the two opinions of Muslim scholars even if the person does not deny its obligation.

You have to end such a marriage. It is not permissible for you to consummate it. In addition, it is not permissible for you to continue such a marriage for its contract is Batil (null and void) according to the most correct of the two opinions of scholars. You have to avoid allowing him to have any physical contact with you. However, if you will face any difficulties to be divorced; you may apply to

(Part No. 21; Page No. 73)

the court explaining this reason. It is worth mentioning that the fact that your husband is bad-mannered is another reason to apply for divorce but abandoning Salah is more effective one. May Allah grant us safety and sound health!

A person that does not offer Salah wants to marry

Q 38: I have a son who wants to marry though he does not offer Salah (Prayer) and he commits some sins. However, I desire to marry him as I hope that marriage will set right his condition. Is it permissible for me to do so? Please advise me and make Du`a' (supplication) for my son. May Allah reward you with the best and grant you success!

A: It is Wajib (obligatory) on you to advise your son and educate him until he offers Prayers. In other words, it is not permissible for you to marry your son before he prays. This is because abandoning Salah is Kufr (disbelief) for the Prophet (peace be upon him) said: ﴾What makes one a Kafir (disbeliever) and a Mushrik (one who associates others with Allah in His Divinity or worship) is abandoning Salah.﴿ The Prophet (peace be upon him) also said: ﴾That which differentiates us from the Kafirs (disbelievers) and hypocrites is our performance of Salah. Whoever abandons it, becomes a Kafir.﴿ (Related by Ahmad and

(Part No. 21; Page No. 74)

the Four Compilers of Hadith (Imams Abu Dawud, Al-Tirmidhy, Al-Nasa'y and Ibn Majah) with an authentic chain of narrators) I ask Allah to guide us and him! May Allah help you to set him right! One of the ways of setting him right is that you warn him against having evil companions and advise him to have good ones. May Allah help you to set him right and guide him to all goodness!

39- Obligation of renewing the marriage contract if one of the couples repents from abandoning Salah

From `Abdul-`Aziz ibn `Abdullah ibn Baz to the respected brother the questioner, may Allah keep keep you safe!

As-salamu `alaykum warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you!) To proceed:

With reference to your enquiry which is registered in the Department of Scholarly Research and Ifta', under No. 499, dated 06/02/1408 A. H., in which you inquire about many questions, I would like to inform you that asking Allah (Exalted be He) after offering the obligatory Salah to increase a person's sustenance and guide their children, and the like, is permissible as long as it is done quietly and without raising one's voice and hands. As for a man who got married to a woman that performs Salah though he does not do so then he repented to Allah; the contract of marriage of the concerned man has to be renewed in the presence of Waliy (a legally accountable person acting for a woman seeking marriage) and two just witnesses provided that the wife in question agrees to this. This is the most correct of the two opinions of Muslim scholars. May Allah guide us all to all that pleases Him! Verily, Allah is All-Hearing, All-Respondent! As-salamu `alaykum warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you!)

General Chairman of the Departments of Scholarly Research,

Ifta', Da`wah, and Guidance

The Ruling On Marrying a woman who does not offer Prayer

Q: A young man wants to marry a girl whom he does not know whether she offer Prayers or not, is this permissible? What is the ruling on that? May Allah reward you with the best!

A: It is incumbent upon such a person to investigate about her and ask the experienced people in this regard. This is because marrying a disbelieving woman, if she is not from the People of the Book, is not permissible. Allah (may He be Praised) says: ﴾They are not lawful (wives) for the disbelievers nor are the disbelievers lawful (husbands) for them.﴿

Anyone who abandons Prayer is a disbeliever and this is the correct opinion adopted by Muslim scholars even if this person believes that Prayer is an obligation. If one abandons Prayer out of negligence and laziness, they will be disbelievers. The Prophet (peace be upon him) said: ﴾What makes one a disbeliever and a polytheist is abandoning prayers.﴿ (Related by Muslim in his Sahih)

The Prophet (peace be upon him) also said: ﴾That which differentiates us from the disbelievers and hypocrites is our performance of Salat. He who abandons it, becomes a disbeliever.﴿ (Related by Imam Ahmad and Ahl-ul-Sunan (authors of Hadith compilations classified by jurisprudential themes) with a good chain of narration) So if a woman does not offer Prayer, it is not permissible to marry her until she repents as indicated by the previously mentioned two Hadiths. Muslims have to pay attention to seeking the religious and committed woman as the Prophet (peace be upon him) said: ﴾A woman is married for four things; her wealth, her family status, her beauty and her religion. So you should marry the religious woman (otherwise) you will be a losers.﴿ (Agreed upon by Al-Bukhari and Muslim)

(Part No. 21; Page No. 78)

41- A marriage contract is nullified if the husband follows a polytheistic sect

From `Abdul `Aziz ibn `Abdullah ibn Baz to the respected brother Shaykh Q. Q., may Allah grant you success!

As-salamu `alaykum warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you!)

Regarding your enquiry that was delivered to us by His Eminence Shaykh M. N. `A., numbered 42/T and dated in 24/01/1407 A. H. **in which you mentioned that: A legal proceeding is made at the high court in one of the cities of South Africa by a Qadiyany (follower of Al-Qadiyaniyyah sect: A sect that does not believe that Muhammad 'peace be upon him' is the last Prophet. Rather, it believes in the prophecy of Mirza Ghulam Ahmad Qadiyany) called A. M. S., against his Muslim wife R. S., asking her to continue her marriage to him. The concerned husband mentioned that if his wife insists on revoking their marriage contract because of the husband's joining to Al-Qadiyaniyyah, she has to abandon her three children and let them live with their father.**

I inform you that the Permanent Committee for Scholarly Research and Ifta' under the general presidency of the Departments of Scholarly Research, Ifta', Da`wah, and Guidance in the Kingdom of Saudi Arabia studied the question and answered that

(Part No. 21; Page No. 79)

the concerned marriage contract is nullified because of the husband's joining Al-Qadiyaniyyah and believing in their creed after the conclusion of the contract of marriage. The Muslim ruler has to separate between the two spouses so that the concerned wife becomes lawful to whoever wants to marry her after finishing her `Iddah (woman's prescribed waiting period after divorce or widowhood). This is because being a Qadiyany is tantamount to committing Riddah (apostasy) for scholars agree that Al-Qadiyaniyyah sect is A Kafir (disbelieving) one. This is because one of their beliefs is that Mirza Ghulam Ahmad Qadiyany is a prophet that receives Wahy (Revelation). Moreover, Qur'an, Sunnah, and Ijma` (consensus) of Sahabah (Companions of the Prophet, peace be upon him) and those who followed them signify that whoever claims prophecy after our Messenger Muhammad (peace be upon him) is a Kafir (disbeliever) and that whoever believes in him is a Kafir too. The Committee also declared that the Muslim wife in question deserves nursing her underage children than this husband as a Kafir has not to be given guardianship over a Muslim. Evidence for this is the generality of Allah's saying: ﴾And never will Allâh grant to the disbelievers a way (to triumph) over the believers.﴿ And: ﴾The believers, men and women, are Auliyâ' (helpers, supporters, friends, protectors) of one another﴿ May Allah guide us all to all that pleases Him!

As-salamu `alaykum warahmatullah wabarakatuh!

Chairman of the Departments of Scholarly Research,

42- Ruling on living with a husband who does not offer Salah or observe Sawm

From `Abdul-`Aziz ibn `Abdullah ibn Baz to our sister the questioner, may Allah guide her to all what pleases Him, grant her proper understanding of Islam, and keep her firm on acting upon it! Amen.

As-salamu `alaykum warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you!) To proceed:

I received your letter dated 14/06/1411 A.H., corresponding to 31/12/1990 A.C. I understood what you explained concerning your husband that he pretended that he was a Muslim so that you agreed to marry him and you had two children. Nevertheless, you discovered later that your husband insults Islam and mocks at it. He declares that Dins (religions) are nothing but a myth. He does not offer Salah (Prayer), or observe Sawm (Fast), give Zakah (obligatory charity), or perform Hajj. He consumes intoxicants and eats ham. If what you say about your husband is true, he is neither a Muslim nor a Christian. Rather, he is an atheist disbeliever who does not follow any religion. May Allah protect you from him! However, it is not permissible for you

to continue living with him. You have to ask him to divorce you and Allah will compensate you with a husband better than him In sha'a-Allah (if Allah wills). Allah (Glorified be He) says in Surah Al-Talaq: ﴾And whosoever fears Allâh and keeps his duty to Him, He will make a way for him to get out (from every difficulty).﴿ ﴾And He will provide him from (sources) he never could imagine.﴿ And: ﴾and whosoever fears Allâh and keeps his duty to Him, He will make his matter easy for him.﴿ On the other hand, you are more deserving to keep your children than him for he is a disbeliever and you are a Muslim. The young child is to follow the religion of one of their parents which is better. The religion of Islam is the true one and all other religions are null and void for Allah (Glorified and Exalted be He) says in Surah Al `Imran: ﴾Truly, the religion with Allâh is Islâm.﴿ And: ﴾And whoever seeks a religion other than Islâm, it will never be accepted of him, and in the Hereafter he will be one of the losers.﴿ Allah (Glorified and Exalted be He) says also in Surah Al-Ma'idah: ﴾This day, I have perfected your religion for you, completed My Favour upon you, and have chosen for you Islâm as your religion.﴿

I ask Allah (Glorified and Exalted be He) to keep us and you firm on Islam, to make for you a way to get out from every difficulty and to compensate you for this husband a better righteous Muslim husband.

I also ask Allah to guide your current husband to Islam, to guide him to return to the truth, to protect him from the evils of his own self, the evils of Satan, and the evils of bad companions! Verily, Allah (Glorified and Exalted be He) is the Most Generous, the All-Bountiful! He (Glorified be He) is the All-Able to do all things!

As-salamu `alaykum warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you!)

Chairman of the Departments of Scholarly Research,

Ifta', Da`wah, and Guidance

(Part No. 21; Page No. 83)

Being dutiful to your father does not oblige you to obey him in marrying a woman who does not offer Prayer

Q: A man knows that obeying his parents is obligatory but he discovered that the girl his father has agreed for him to marry does not offer Prayers. If this man refuses to marry such a woman, can that be considered a sort of undutifulness to parents or not?

A: This is not undutifulness to parents. It is not permissible to marry a woman who does not offer Prayers. Abandoning Prayer is considered major disbelief as it is the view of the most correct view of Muslim scholars. The Prophet (peace be upon him) said: ﴾That which differentiates us from the disbelievers and hypocrites is our performance of Salat. He who abandons it, becomes a disbeliever.﴿ In another Hadith, the Prophet (peace be upon him) said: ﴾What makes one a disbeliever is abandoning prayers.﴿ (Related by imam Muslim) It is also because Prayer is the pillar of Islam.

Some scholars view that abandoning Prayer out of negligence and laziness is a minor disbelief and a sin and that it does not render a Muslim a disbeliever if he believes that it is obligatory. The most correct opinion is the first one which states that

(Part No. 21; Page No. 84)

abandoning Prayers is disbelief even if he does not deny that it is obligatory as indicated by authentic Hadiths. Some scholars said that the Prophet's (peace be upon him) Companions (may Allah be pleased with them) have agreed unanimously upon that view.

Anyway, the woman who does not offer Prayer should not be married, even if we say that she is not a disbeliever. Hence, a Muslim should not marry such a woman and the parents, or others, should not be obeyed in this regard as the Prophet (peace be upon him) said ﴾Submission is obligatory only in what is good (and reasonable).﴿ The Prophet (peace be upon him) also said: ﴾There is no submission in matters involving Allah's disobedience or displeasure.﴿ Allah is the Grantor of success!

(Part No. 21; Page No. 85)

The Book Of Dowry

(Part No. 21; Page No. 86)

(Part No. 21; Page No. 87)

exaggeration in women's dowry

Q: Is it permissible for women's families to exaggerate in their dowries? Is it allowed for them to eat it all up? What is the evidence?

A: It is reprehensible to exaggerate in women's dowries and one should make it easy but the dowry (Mahr) is not prohibited for a woman to take even if it was overstated as Allah (Exalted be He) says: ﴾and you have given one of them a Qintâr (of gold i.e. a great amount as Mahr)﴿ The verse. Qintâr is much money. The Prophet, peace and blessings be upon him married Um Habibah and gave her four hundred Dinars handed to her by Al-Najashy on behalf of the Prophet, peace and blessings be upon him and that was worth four thousand Dirhams at that time.

Permissibility of specifying a certain amount of Mahr by a tribe

Q 45: Our tribe agreed that Mahr (mandatory gift to a bride from her groom) is to be twenty five thousand riyals only. If the bride's brother or father receives more than this, the tribe takes the extra amount of money and puts

(Part No. 21; Page No. 88)

it in a tribe box which is allocated for helping the Miskin (needy) people. Is it then permissible to take this extra sum as a sort of punishing whomever violates the convention set by the tribe?

A: If the concerned tribe agreed on a certain Mahr for the interest of the young boys and girls amongst them, no one is allowed to violate such an agreement. This is because such violation is to threaten the general interest of the people of the town or the tribe. If a person receives more than the agreed upon amount of Mahr, the extra sum is to be taken from them and spent on something for the interest of the tribe or the town that agreed on the concerned specific Mahr. This is considered a sort of Ta`zir (discretionary punishment) for whoever violates the public interest.

Mahr is the Right of the Bride

Q: If a person proposes to marry my daughter and gives her a Mahr (mandatory gift to a bride from her groom) of about fifty thousand Riyals, shall I give it back to him and keep only two

(Part No. 21; Page No. 89)

thousand of it as some people do? Shall I do this while it is my daughter's right? If I help her in buying some of her trousseau, will that be regarded as helping my sons? Please, advise us concerning what we should do with these affairs as necessity arises. Wasalam alikum!

A: You should not give back any part of her Mahr unless she permits you to do so if she was of legal age as it is her right. It is permissible for you to help her in some marriage affairs if necessity arises as you helped her brothers. Allah is the One who grants success.

The ruling on advancing or deferring the payment of Mahr

Q 47: Is it Wajib (obligatory) that a woman's Mahr (mandatory gift to a bride from her groom) be paid once it is defined, at the time of concluding the contract of marriage? or it is sufficient to define it, then the payment may be deferred to a later time after the consummation of marriage? May Allah reward you with the best!

A: It depends on the agreement between the husband and the wife or

(Part No. 21; Page No. 90)

her Waliy (a legally accountable person acting for a woman seeking marriage). Whatever they agree on, whether advancing or deferring the payment of Mahr, is permissible for the matter is flexible; all praise be to Allah Alone. Proof for this is that the Prophet (peace be upon him) said: (Muslims are to stick to their conditions.) and: (The stipulations most entitled to be abided by are those with which you are given the right to enjoy the (women's) private parts (i.e., the stipulations of the marriage contract).)

It is thus permissible that they agree that the Mahr should be paid in advance, should be deferred, or that one part of it should be paid in advance and the other be deferred. However, they have to define a certain Mahr at the time of concluding the contract of marriage for Allah (Glorified and Exalted be He) says: (you seek (them in marriage) with Mahr (bridal-money given by the husband to his wife at the time of marriage) from your property) Any way, it is also permissible to say: "... for a deferred Mahr (which is known between the bride and groom and their families) or for a deferred half, one third, or one fourth of the Mahr" without defining the exact Mahr provided that the two concerned sides have agreed on a certain specific amount. We have a lot of flexibility here, all praise be to Allah Alone.

(Part No. 21; Page No. 91)

Chapter on Walimah

(Part No. 21; Page No. 92)

(Part No. 21; Page No. 93)

48- Al Maksar tradition is Munkar and unjust

Your Eminence Shaykh `Abdul `Aziz bin `Abdullah ibn Baz (may Allah protect him)

As-salamu `alaykum warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you!)

We have an old tradition in some villages in the Southern Region. Anyone who marries his daughter or any one of his relatives to a man who is not from his village is obliged to pay two thousand Riyals which is called Maksar to his villagers to attend the Walimah (wedding dinner) served in the husband's village. If he refuses to pay the money, none of the villagers, male and female, goes with him or accepts his invitation to Walimah. Anyone who goes with him will be fined and regarded as disobedient to the villagers.

It should be noted that this sum of money may be taken from the wife's Mahr (mandatory gift to a bride from her groom) or from the property of the bride's father. He pays it unwillingly only for the villagers to accompany him to the groom's village. Please advise. May Allah reward you with the best.

(Part No. 21; Page No. 94)

A: W `alaykum As-salam warahmatullah wabarakatuh

This tradition is Munkar (that which is unacceptable or disapproved of by Islamic law and Muslims of sound intellect) and unjust. It is incumbent upon you to abandon it due to the Prophet's (peace be upon him) saying: (Whoever innovates things in our Din (religion) for which there is no valid (reason) (commits sin) and these are to be rejected.) The villagers are obliged to perform Tawbah from this act. They should cooperate in righteousness and piety not in transgression or sins. We ask Allah to guide and grant all Muslims success and protect us from the customs known during Jahiliyyah (pre-Islamic time of ignorance) for He is All-Hearer, Ever Near. As-salamu `alaykum warahmatullah wabarakatuh

Celebrating wedding parties in hotels and halls is extravagance

Q 49: Are the parties held in hotels that cost a lot of money considered a form of extravagance? If so, please advise us about this.

(Part No. 21; Page No. 95)

A: Parties that are held in hotels include many mistakes. First, they usually involve unnecessary extravagance.

Second, they lead to overbearingness in setting banquets, in addition to the attendance of unnecessary people.

Third, this leads to outrageous free intermixing (of men and women), whether the hotel employees or others. The same applies to wedding parties held in highly-expensive halls. A person should not spend much money in that out of showing consideration to people. You should be economical and avoid wastefulness, so that middle income people can get married. If a person for example sees their relatives holding wedding banquets in such luxurious hotels; they will either imitate them and burden themselves with debts or refrain from marriage out of fear of incurring such costs.

Accordingly, my advice to all fellow Muslims is not to hold their wedding parties in such expensive hotels or halls. They should hold them in moderate priced halls or at home, there is no harm in this. Rather, doing this if possible is much preferable, as it is far from extravagance. Allah is the One to be sought for help.

(Part No. 21; Page No. 96)

Extravagance in parties

Q 50: What is your Eminence's view on the wastefulness observed in food served in parties, which end up in waste bags? Is there a solution to this?

What should be done with the leftovers?

A: I have previously replied to this matter that it is not permissible to exaggerate in holding wedding banquets or others.

The host should only concentrate on the essentials and leave whatever is unnecessary. The leftovers should also be handed over to charity committees, poor people, workers or any deserving beneficiary.

It should be given to those who can benefit from it rather than throwing it in waste disposals or near any source of impurity.

(Part No. 21; Page No. 97)

If no deserving beneficiary is available, it should be transferred to a safe place away from streets or

impurities, to protect it, perhaps there might come someone who can eat it among people or animals.

However, if there exists any person who needs it; it should be delivered to them immediately. It can even be processed to be used as a fodder. If a person observes rationalism and avoids overbearingness, the amount of leftovers will consequently decrease.

51- Obligation of being grateful to Allah's Bounties and warning against misusing them

Praise be to Allah, Alone, and Peace and Blessings be upon Allah's Messenger, his family and Companions.

Allah may test His Servants with poverty and need as He decreed for the people of this country in the early Fourteenth century. He (Exalted be He) says: ﴾And certainly, We shall test you with something of fear, hunger, loss of wealth, lives and fruits, but give glad tidings to As-Sâbirûn (the patient).﴿ ﴾Who, when afflicted with calamity, say: "Truly! To Allâh we belong and truly, to Him we shall return."﴿

Allah is also trying them with bounties and provisions as is the case nowadays to test their Iman (faith/belief) and gratitude, He (Exalted be He) says: ﴾Your wealth and your children are only a trial, whereas Allâh! With Him is a great reward (Paradise).﴿ Verily, the best end is for those whose acts comply with Allah's Shari`ah (Islamic Law), those who observe Taqwa (fearing Allah is He should be feared), patience and Ihtisab (confident anticipation of Allah's Recompense) in case of poverty; thank Allah for His bounties and wisely spend their money in case of wealth.

Good economization involves rationally spending the money on victuals without miserliness or extravagance, for Allah has prohibited this.

He (Exalted be He) says: ﴾And let not your hand be tied (like a miser) to your neck, nor stretch it forth to its utmost reach (like a spendthrift), so that you become blameworthy and in severe poverty.﴿ He (Exalted be He) has also forbidden the waste of money in His Saying: ﴾And give not unto the foolish your property which Allâh has made a means of support for you﴿

In this Ayah (Qur'anic verse), Allah (Glorified and Exalted be He) has prohibited to give money to the foolish who tend to misspend it, which is unacceptable. He (Exalted be He) also says: ﴾O Children of Adam! Take your adornment (by wearing your clean clothes), while praying and going round (the Tawâf of) the Ka'bah, and eat and drink but waste not by extravagance, certainly He (Allâh) likes not Al-Musrifûn (those who waste by extravagance).﴿ and: ﴾But spend not wastefully (your wealth) in the manner of a spendthrift.﴿ ﴾Verily, the spendthrifts are brothers of the Shayâtîn (devils)﴿ .

Extravagance is defined as the excessive spending of money beyond need.

While wastefulness is spending money in a wrong way.

People have been afflicted with a tendency towards boasting in their food, especially in banquets and wedding parties. Not only do they spend beyond their requirements, but also they throw the leftovers in garbages and the streets.

This is surely a sort of ingratitude to this bounty and a means towards their being deprived of it. Therefore, a wise person should carefully weigh things according to their needs, and if something is leftover;

they should give it to the needy. If it is hard to find any; it should be put in a safe place, available for animals to eat, where there is no chance for it to be scorned.

Every Muslim has to be keen to avoid Allah's prohibitions, behave wisely aiming at gaining Allah's Pleasure, and being grateful to His Bounties as well as bewaring of misusing them or taking them too lightly. Allah (Exalted be He) says: ﴾If you give thanks (by accepting Faith and worshipping none but Allâh), I will give you more (of My Blessings); but if you are thankless (i.e. disbelievers), verily My Punishment is indeed severe.﴿ He (Glorified and Exalted be He) also says: ﴾Therefore remember Me (by praying, glorifying), I will remember you, and be grateful to Me (for My countless Favours on you) and never be ungrateful to Me.﴿ Furthermore, He (Glorified be He) has informed us that thankfulness is to be fulfilled by deeds, not just words in His Saying: ﴾Work you, O family of Dâwûd (David), with thanks!" But few of My slaves are grateful.﴿ as thanking Him (may He be Praised) should be fulfilled by heart, tongue and deeds. Accordingly, anyone who thanks Allah by words and deeds will be granted more favors and will gain the best end. On the other hand, whoever shows ingratitude to Allah and misuses His Bounties; will be in great danger, for Allah has threatened them with severe punishment.

We ask Allah to set right the conditions of all Muslims and grant them good understanding of His Din (religion of Islam), as I ask Him to guide us to duly thank His Bounties and inverst them in obeying Him and benefitting His Servants, for He is All-Able to do this. May peace and blessings be upon Prophet Muhammad, his family, and Companions!

Advising people in wedding occasions

Q 52: Is it allowable to utilize wedding ceremonies to advise people in them for many people are present and a great deal of those people in particular do not listen to religious information except rarely? May Allah reward you well!

A: In fact, it is strongly recommend to remind people in weddings of what is obligatory on them concerning Allah's Right, obedience to Him, co-operation in righteousness and piety and advising one another to observe right and avoid the forbidden matters. Also, people should be encouraged to marry and reduce the costs of marriage so that marriage increases and chastity spreads among Muslims.

Indications of the Book and Sunnah

on prohibiting and warning against singing and amusements

I have looked into the report published by Al-Ra'id Magazine (67th and 68th issues) by Abu Turab Al-Zhahiry entitled "The Book and Sunnah did not forbid singing and using and listening to musical instruments." I considered carefully the Hadith and reports that he mentioned and relied upon in permitting singing and musical instruments in accordance with his Imam Abu Muhammad ibn Hazm Al-Zhahiry. I was astonished at his extreme daring following his Imam Abu Muhammad to claim that all the Hadiths reported prohibiting singing and musical instruments are weak. Yet, they claimed that such reported Hadiths are fabricated. I was surprised at their strange daring to say that singing and all musical instruments are lawful, though there are many Ayahs (Qur'anic verses), Hadiths and reports quoted from the Salaf (righteous predecessors) (may Allah be pleased with them) that forbade them.

May Allah save us from speaking on behalf of Him without knowledge and daring without evidence to regard lawful what Allah has deemed unlawful. The early scholars denied this strange daring of Abu Muhammad and blamed him for that and due to this, many ordeals befell him. May Allah forgive him, us and all Muslims! Allah warned His servants against attributing things to Him without knowledge. He (Glorified be He) forbade them to regard things as lawful or unlawful without evidence. He (Glorified and Exalted be He) tells that this is driven by Satan. He (Exalted be He) says: ﴿Say (O Muhammad صلى الله عليه وسلم): "(But) the things that my Lord has indeed forbidden are Al-Fawâhish (great evil sins and every kind of unlawful sexual intercourse) whether committed openly or secretly, sins (of all kinds), unrighteous oppression, joining partners (in worship) with Allâh for which He has given no authority, and saying things about Allâh of which you have no knowledge."﴾ Allah (Exalted be He) also says: ﴿And say not concerning that which your tongues put forth falsely: "This is lawful and this is forbidden," so as to invent lies against Allâh. Verily, those who invent lies against Allâh will never prosper.﴾ ﴿A passing brief enjoyment (will be theirs), but they will have a painful torment.﴾ Allah (Exalted be He) also says: ﴿O mankind! Eat of that which is lawful and good on the earth, and follow not the footsteps of Shaitan (Satan). Verily, he is to you an open enemy.﴾ ﴿He [Shaitân (Satan)] commands you only what is evil and Fahshâ (sinful), and that you should say against Allâh what you know not.﴾ In these glorious Ayahs (Qur'anic Verses), Allah (Glorified be He) warns His Servants against deeming [an act or saying] as lawful or prohibited without knowledge. He (Glorified be He) points out that speaking about Him without knowledge is more grave than Shirk (associating others with Allah in His Divinity or worship) and that Satan wants

people to attribute things to Allah without knowledge and orders them to do this to spoil their religion, morals and societies. Every Muslim should beware of speaking about Allah without knowledge and fear and watch Allah with regard to whatever he deems lawful or unlawful. Every Muslim should try to get rid of personal whims and blind imitation. Every Muslim should clarify Allah's Ruling to people in the same way Allah pointed out in His Book and His Messenger referred to in his Sunnah (whatever is reported from the Prophet) out of sincerity towards Allah and towards His Servants, and for fear of hiding knowledge and waiting for a reward from Allah. May Allah guide us and all Muslims to the way of scholars and believers and save us from the evils of ourselves and our misdeeds! He is Omnipotent over all things. Here, I will mention to you, dear reader, if Allah wills, the mistakes found in the words of Abu Turab and his Imam Abu Muhammad and will clarify to you the reported Ayahs and authentic Hadiths that indicate the prohibition of singing and musical instruments. I will also mention here convincing indications cited by the eminent scholars in order to be on the straight path and to remove all doubts and suspicions that might befall whoever knows about the article of Abu Turab and the similar writers. We seek the Help of Allah and put our trust in Him. There is neither might nor power except with Allah, the Most High, the Most Great!

Abu Turab said: "Verifying the issue proves that singing, musical instruments, and listening to singing are permissible, because there is no

authentic text related in the Shari`ah brought by Muhammad (peace be upon him) that prohibits them. Evidence should be from the two fundamentals: The Book and Sunnah and anything other than those two is nonsense and null and void and should be rejected. It is not permissible for a believer to transgress against the Limits of Allah... Al-Hafizh Abu Muhammad ibn Hazm said: 'Selling chess games, pipes, mandolins and musical instruments is Halal; he who breaks any of them should guarantee it, except the drawn pictures, they are not to be guaranteed by the one who breaks them, for as we mentioned before, they are regarded as property that belongs to its owner.'" I say: Abu Muhammad and Abu Turab after him are wrong, for deeming singing and musical instruments lawful which Allah has prohibited and, thus, opened the door to great evil. They swerve from the way of believers, who memorize the Sunnah and the Qur'an among the Sahabah (Companions of the Prophet) and their followers in righteousness. This leads to grave consequences. May Allah save us and all Muslims from deviation of hearts, power of sins and insinuations of Satan. He is the Most Generous and Most Kind.

The majority of Muslim scholars hold the view that singing and all musical instruments are unlawful. They regarded it obligatory to break the musical instruments and said that there is no guarantee on the spoiler. They hold the view that if singing is accompanied by musical instruments such as drum, pipe, lute, etc., it is prohibited according to Ijma` (consensus of scholars), with the exception of the Duff (a tambourine-like instrument without bells) when played by women at weddings, as will be pointed out later,

if Allah wills. Abu `Amr ibn Al-Salah related that the scholars of Islam have unanimously agreed that singing accompanied by playing musical instruments is forbidden. The full text of this scholar will be mentioned later as reported by the eminent scholar Ibn Al-Qayyim (may Allah be merciful with him). This is because singing and musical instruments result in ruthlessness of heart and deviation from listening to the Ever-Glorious Qur'an and useful sciences. Undoubtedly, this is one of the tricks of Satan by which he tries to deceive those who lack knowledge and religion, so that they prefer listening to the "Qur'an" of Satan - namely songs - rather than listening to the Book of Allah and the Hadiths of His Messenger (peace be upon him). The Salaf rebuked severely those occupied with singing and musical instruments and described them with insolence and Fisq (flagrant violation of

Islamic law) and did not accept their testimony as will be explained later in sha'a-Allah (If Allah wills). This is because preoccupation with singing and musical instruments leads to weakness of Iman (Faith/belief) and lack of shyness and piety and belittling the Commands and Prohibitions of Allah. In addition, the people preoccupied with singing and musical instruments are afflicted with sharp heedlessness, reclining to falsehood, being sluggish to perform Salah (Prayer) and acts of charity, but active in doing evils enticed by singing such as Zina (premarital sexual intercourse and/or adultery), sodomy and drinking intoxicant beverages, except those whom Allah saved. The different kinds of evil and corruption that follow these actions and what they include of means to diversion and deviation are well known to people of sense. Here, dear

reader, are some legal indications on the prohibition of singing and musical instruments from the Ever-Glorious Qur'an and the Hadith of the Prophet (may Allah's Peace and Blessings be upon him). Allah (Exalted be He) says: ﴾And of mankind is he who purchases idle talks (i.e. music, singing, etc.) to mislead (men) from the Path of Allâh without knowledge, and takes it (the Path of Allâh, or the Verses of the Qur'ân) by way of mockery. For such there will be a humiliating torment (in the Hell-fire).﴿ ﴾And when Our Verses (of the Qur'ân) are recited to such a one, he turns away in pride, as if he heard them not - as if there were deafness in his ear. So announce to him a painful torment.﴿ In his Tafsir (explanation/exegesis of the meanings of the Qur'an), Al-Hafizh ibn Kathir (may Allah confer mercy upon him) commented on these two Ayahs, saying: "When He mentioned the status of the blessed people who are guided by the Book of Allah and avail themselves of listening to it as He (Exalted be He) says: ﴾Allâh has sent down the Best Statement, a Book (this Qur'ân), its parts resembling each other (in goodness and truth) (and) oft-repeated. The skins of those who fear their Lord shiver from it (when they recite it or hear it). Then their skin and their heart soften to the remembrance of Allâh.﴿ He then mentioned the status of the wretched, who pay no attention to benefit from hearing the Word of Allah and turn to listening to singing and musical instruments. Ibn Mas`ud said, explaining Allah's Saying: ﴾And of mankind is he who purchases idle talks (i.e. music, singing, etc.) to mislead (men) from the Path of Allâh﴿ By Allah, it i.e. idle talk, is singing. Ibn Jarir said that Yunus ibn `Abdul-A`la told him that Ibn Wahb told him that Yazid ibn Yunus related from Abu Sakhr, from Abu Mu`awiyah Al-Bajaly ,

from Sa`id ibn Jubayr that Abu Al-Sahba' Al-Bakry heard `Abdullah ibn Mas`ud when he was asked about this Ayah: ﴾And of mankind is he who purchases idle talks (i.e. music, singing, etc.) to mislead (men) from the Path of Allâh﴿ he (`Abdullah ibn Mas`ud) said, 'It is singing, by Allah who none has the right to be worshipped but Him'. He repeated it three times. `Amr ibn `Ali related to us from Safwan ibn `Isa, who told him that Humayd Al-Kharrat related from `Ammar from Sa`id ibn Jubayr on the authority of Abu Al-Sahba' that he asked Ibn Mas`ud about Allah's Saying: ﴾And of mankind is he who purchases idle talks (i.e. music, singing, etc.)﴿ He (Ibn Mas`ud) said: 'It is singing'. The same was said by Ibn `Abbas, Jabir, `Ikrimah Sa`id ibn Jubayr, Mujahid, Makhul `Amr ibn Shu`ayb, and `Aly ibn Badhimah. Al-Hasan Al-Basry said, 'This Ayah: ﴾And of mankind is he who purchases idle talks (i.e. music, singing, etc.) to mislead (men) from the Path of Allâh without knowledge﴿ was revealed with regard to singing and pipes. Qatadah said about Allah's Saying: ﴾And of mankind is he who purchases idle talks (i.e. music, singing, etc.) to mislead (men) from the Path of Allâh without knowledge﴿ "By Allah, a person may not spend money on it but purchasing here refers to obeying it. It is enough misguidance for a person to prefer the talk of falsehood to the talk of the truth and what brings about harm to what brings about benefit". End of his speech.

Dear reader, think about these two noble Ayahs and their interpretations by this Imam and the reports quoted from the eminent Salaf in this regard.

(Part No. 21; Page No. 109)

It will be clear to you that singers and musicians have committed grave sinful acts. You will come to know that the glorious Ayah clearly criticizes and dispraises them and that their purchase and selection of idle talk is a means of misguidance and going astray, even if they do not intend or know that. This is because Allah (Glorified be He) praises the people of the Qur'an at the beginning of the Surah (Qur'anic chapter) and describes them by saying that they are the people of guidance and success. Allah (Glorified and Exalted be He) says: ﴿Alif-Lâm-Mîm. [These letters are one of the miracles of the Qur'ân, and none but Allâh (Alone) knows their meanings].﴾ ﴿These are Verses of the Wise Book (the Qur'ân).﴾ ﴿A guide and a mercy for the Muhsinûn (good-doers).﴾ ﴿Those who perform As-Salât (Iqamat-as-Salât) and give Zakât and they have faith in the Hereafter with certainty.﴾ ﴿Such are on guidance from their Lord, and such are the successful.﴾ Then, He (Glorified be He) says, ﴿And of mankind is he who purchases idle talks (i.e. music, singing, etc.) to mislead (men) from the Path of Allâh without knowledge﴾ This indicates that He dispraises those buyers who have gone astray after being guided so this is a means of misguidance and deviation that is dispraised and should be avoided. This explanation by Al-Hafizh Ibn Kathir of this Ayah is the same view held by many scholars of Tafsir (exegesis of the Qur'an), such as Ibn Jarir, Al-Baghawy, Al-Qurtuby and others. Al-Wahidy even said in his Tafsir: Most Mufassirs (exegetes of the Qur'an) held the view that idle talk is singing while others interpreted it as Shirk. However, others interpreted it as the reports of non-Arabs and the false reports that are far from the truth.

(Part No. 21; Page No. 110)

All these explanations are correct and have no contradiction. The noble Ayah dispraises whoever gets accustomed to whatever turns away from the Way of Allah and distracts them from His Book. Undoubtedly, songs and musical instruments are considered of the most abominable idle talk that turns away from the Book and Way of Allah. Abu Ja`far ibn Jarir (may Allah confer mercy upon him) said in his Tafsir, while mentioning the sayings of Mufassirs regarding idle talk: The correct view in this regard is that the Ayah includes any talk that distracts from the Way of Allah including all matters that Allah or His Messenger forbids us to listen to, for He (Exalted be He) used a general word saying: ﴿idle talks (i.e. music, singing, etc.)﴾ and did not specify some things or exclude others. This is to be generalized unless there is any other saying to specify it. This includes singing and Shirk." End of his statement.

Al-Qurtuby said in his Tafsir of Allah's Saying, ﴿And of mankind is he who purchases idle talks (i.e. music, singing, etc.) to mislead (men) from the Path of Allâh without knowledge﴾ Man i.e. And of mankind, is in the nominative case. ﴿idle talks (i.e. music, singing, etc.)﴾ is singing according to Ibn Mas`ud, Ibn `Abbas and others. Then he went on interpreting this Ayah until he said, "The second question: The ordinary singing of celebrities that touches feelings and arouses desires to flirtation and impudence and moves the silent evil spirits; if this kind is found in poems that describe vividly the charms of women and mentions

(Part No. 21; Page No. 111)

wine and forbidden acts, it is undoubtedly forbidden as this is the cursed singing and idle talk according to Ijma` (consensus of scholars). However, if singing is free from this, the little of which is permissible at times of happiness, such as wedding parties and `Eids (Festival) and when

encouraging people to do hard work, as was the case upon the digging of the trench and the prompting singing to the camels by Anjashah and Salamah ibn Al-Akwa`. With regard to what is innovated by Sufism today of their tradition to hear songs that are accompanied by different musical instruments, this is prohibited." End of his speech.

These words of Al-Qurtuby are a good point, hereby the reports related in this regard are reconciled. This includes what is authentically reported in in the Two Sahih (authentic) Books of Hadith (i.e., Al-Bukhari and Muslim) on the authority of `Aishah (may Allah be pleased with her) who said, ("The Prophet entered upon me and there were two young girls with me who were singing the verses that the Ansar (Helpers, inhabitants of Madinah who supported the Prophet) had sung on the day of Bu'ath. He lay on the bed and turned his face away from them. Then, Abu Bakr (may Allah be pleased with him) entered and rebuked me and said, 'The pipe of Satan in the Prophet's house!' Thereupon, the Messenger of Allah (peace be upon him) said, 'Leave them alone'. When he was not paying attention, I winked to them to leave".) According to the narration of Muslim : (The Messenger of Allah said, "O Abu Bakr, there is `Eid for every nation and this is our `Eid (the people of Islam).) According to

(Part No. 21; Page No. 112)

the narration of Muslim: ('Leave them, O Abu Bakr, these are days of `Eid.) In another narration by Muslim also: (Two girls were playing a Duff (tambourine-like instrument without bells).) This noble Hadith indicates that the reprehensibility and disapproval of singing and calling it the pipe of Satan is a well known established ruling by the Sahabah (may Allah be pleased with them). Therefore, Al-Siddiq (Abu Bakr) rebuked `Aishah for having two girls singing in her presence and called this singing "the pipe of Satan." However, the Prophet (peace be upon him) did not object to such naming and did not say to him that singing and Duff are permissible; rather, he just ordered him to leave the two girls, justifying that they were days of `Eid. This gives evidence to the fact such kind of singing is to be tolerable on the part of young girls on the days of `Eid, for they are days of happiness and joy, because the two girls chanted the song of Al-Ansar which they versified to celebrate the Day of Bu`ath making mention of courage and war, unlike the present songs that male and female singers sing, which arouses sexual desires and calls to adoration of pictures and temptation that diverts hearts from glorifying

(Part No. 21; Page No. 113)

Allah and respecting His Right. So, how could a reasonable person make Qiyas (analogy) between them! Whoever ponders on this Hadith will come to know that whatever goes beyond the action of these two girls is Munkar (that which is unacceptable or disapproved of by Islamic law and Muslims of sound intellect) and should be avoided and warned against in order to put an end to the means of corruption and protect hearts from what turns them away from truth and diverts them from reciting the Book of Allah. As for the claim of Abu Turab that this Hadith is a supporting evidence for the permissibility of singing absolutely, this is a false claim based upon what we have pointed out earlier and the Ayahs, Hadiths and reports mentioned above which indicate the invalidity of his claim.

There is also the Hadith narrated by Sufyan Al-Thawry on the authority of Abu Ishaq Al-Sabi`y on the authority of `Amir ibn Sa`d Al-Bajaly that he saw Abu Mas`ud Al-Badry and Qarazah ibn Ka`b and Thabit ibn Yazid at a wedding party where there was singing. He said to them: "You do this while you are the Companions of the Messenger of Allah!" They said, ("A concession had been granted allowing singing at weddings and weeping for the dead, as long as there is no wailing.") This Hadith lends no support to the permissibility of singing; it indicates that it is permissible at weddings to announce marriage. Whoever ponders on this Hadith will come to realize that it is actually proof that singing is forbidden and not permissible. They were granted Rukhsah (concession) allowing singing

at weddings for a known wisdom which indicates that singing is otherwise forbidden

unless there is a specific evidence that permits it, just as granting the traveler a Rukhsah to shorten the four-Rak`ah (unit of Prayer) Salah (Prayer). This indicates that anyone other than the traveler is not allowed to shorten Salah. Similarly, granting a Rukhsah to women in their menses or post-natal bleeding to abandon Tawaf-ul-Wada` (circumambulation around the Ka`bah on leaving Makkah) indicates that any woman other than those is not allowed to do this. There are so many other examples to the same effect. Besides, `Amir ibn Sa`d disapproving of singing on the part of those Companions and their admission of this is another indication that the reprehensibility of singing is a well-established and agreed upon ruling by the Sahabah and Tabi`un (Followers, the generation after the Companions of the Prophet) which they knew from the Prophet (peace be upon him). Allah is the One Who is sought for help!

The great scholar Ibn Al-Qayyim (may Allah be confer mercy upon him) said in his book [Ighathat Al-Lahfan Min Maka'id Al-Shaytan], Among the traps with which Satan, the enemy of Allah, entrapped those who have little knowledge, intelligence and religion, and by them he ensnared the hearts of ignorant and evildoers is listening to whistling and clapping of hands and singing by the prohibited musical instruments. This listening diverts hearts from Dhikr (remembrance of Allah) and occupies it with dissolution and disobedience. It is, veritably, the Qur'an of Satan, the strong barrier against the Qur'an of Allah, the flat way to Zina and sodomy and useful means in the hand of a dissolute person to captivate the heart of his beloved. Satan catches by it the hearts of evildoers. He beautifies listening to singing and music to them by way of deception and delusion and inspires to them invalid evidence proving the goodness of singing. They accepted his inspiration and abandoned the Qur'an for its sake. Ibn Al-Qayyim further says, "How good what a man said,

The Qur'an was recited, so they kept silent not out of reverence
but because of inattentiveness and distraction.

Then, when singing began they rushed like braying donkeys
and danced but, by Allah, it is not for the sake of Allah.
They played tambourine and pipe accompanied by songs
thinking that this is an act of worship but how come; worshipping by means of distraction!
They felt burdened with the Qur'an
for they found it includes orders and prohibitions
They heard it as thunder and lightening for it contains
deterrence and intimidation against prohibited things.
The found it the strongest deterrent of the soul
from its lustful desires, what a loss for them!
Listening to songs suits their evil desires, notwithstanding!
So it became highly elevated
It is far between them; one strengthens the sources of evil whims i.e. singing, of ignorant and distracted people

while the other i.e. the Qur'an, cuts off the means to whims.
If singing is not the intoxicant of bodies,
surely it is equal to the wine that intoxicates minds.
Look to the intoxicated after drinking
and look to a jubilant person after listening to music
Look to the drunken cutting their cloths
after tearing out the distracted heart

(Part No. 21; Page No. 116)

Then, decide which of the two intoxicants is more worthy
of prohibition and sinfulness in sight of Allah.

Another one said,

We declare our innocence before Allah from
those who are addicted to songs.
I have said repeatedly, "O people,
you are about to lose the way."
You are on the verge of an abyss
leading to a deep hole full of pain.
We advised them many times over
so that we are absolved before our Lord
They mocked at our admonitions
we referred our affairs to Allah
We took as exemplary the Sunnah of the chosen one (the Prophet)
while they, to the end of their life, died repeating nothing but singing

The defenders of Islam and the Imams of guidance keep inviting those people in every part of the world and warning all sects of the Ummah (nation) against following the way of those people." End of his speech (may Allah be Merciful with him).

(Part No. 21; Page No. 117)

A doubtful matter that should be refuted

It is claimed by Abu Turab following in the footsteps of Ibn Hazm that Allah's saying: ﴾to mislead (men) from the Path of Allâh without knowledge, and takes it (the Path of Allâh or the Verses of the Qur'ân) by way of mockery.﴿ is an indication that whoever buys idle talk (i.e. music, singing, etc.) is not to be blamed unless they distract themselves or others from the Path of Allah. However, if they listened to such idle talk as a kind of amusement and self-entertainment, there is nothing wrong with that. However, this is a false claim for three reasons:

First, this interpretation conflicts with that of the Salaf (righteous predecessors) during the time of Sahabah (Companions of the Prophet) and Tabi`un (Followers, the generation after the Companions of the Prophet). In fact, they raised this verse as evidence against singing and musical instruments without the suggested condition alleged by Abu Turab. They were the most knowledgeable people concerning the Qur'an and the Sunnah of the Prophet (peace be upon him) than those who came after them.

Second, this claim goes against the apparent meaning of the Ayah as this is so clear to whoever reflects on its true meaning. Allah (may He be Praised) says: ﴾to mislead (men) from the Path of Allâh without knowledge﴿ This indicates that those dispraised people have purchased idle talk to lead people astray from Al-Sirat-ul-Mustaqim (the Straight Path) ignorantly and unintentionally. If they did that to deliberately divert people from Iman,

(Part No. 21; Page No. 118)

Allah (Glorified and Exalted be He) would not say: ﴾to mislead (men) from the Path of Allâh without knowledge﴿ It could not be said "without their knowledge" to those who knew or wanted to commit this vice or propagate it to lead people astray. Therefore, you should be aware, dear reader, of that so the truth is clear to you. Thus, the letter 'Lam' in Allah's saying: (le yodella) ﴾to mislead (men) from the Path of Allâh﴿ is a causative preposition 'LAM' as mentioned by Al-Hafiz Ibn Kathir and others. Supposing that it is "Lam Al-`Aqiba' , the meaning of the Ayah indicates that whoever purchased idle talk (i.e. music, singing, etc.) their end will be to deviation from the rightful path and following the way of Satan in tempting others as well as abandoning the Qur'an and arrogantly refusing to abide by its teaching and holding it in disdain even if they did so out of ignorance and without willfulness.

On the other hand, if the 'Lam' is that of Ta`lil, the meaning indicates that Allah (Exalted be He) predestined some people to commit this sin of buying idle talk to lead others astray. According to both meanings, the noble Ayah includes dispraise of those people whose end will be deviation from the Book of Allah and falling into temptation and mocking Allah's Ayahs. Reality attests to this as many of those who follow their whims and are preoccupied by singing and musical instruments ended

(Part No. 21; Page No. 119)

with their hearts deprived of Iman and diverted from Al-Haqq (the Truth) except those whom Allah (Exalted be He) showed His Mercy with them. Furthermore, the Islamic Shari`ah with its perfect resources from the Book of Allah and the Sunnah of His Prophet (peace be upon him) indicated the obligation of averting all means leading to misguidance and corruption so as to avoid falling victim to the bad outcomes that inevitably come from such sins. The Prophet (peace be upon him) forbade drinking even a little of any intoxicant lest this should lead to drinking more and then being intoxicated. He (peace be upon him) said: (If a large amount of anything causes intoxication, a small amount of it is prohibited.) By the same token, he forbade offering Salah after Fajr (Dawn) and `Asr (Afternoon) Prayers lest Muslims should fall into the sin of imitating Mushriks (those associating others with Allah in His Divinity or worship) who worship the sun when it rises and sets. There are many cases to the same effect known to whoever has the least degree of knowledge of the Islamic Shari`ah. Allah is the Only One whose Help is sought.

Third, if the dispraise was confined to those who purchased idle talk to distract themselves or others from the Path of Allah, there would have been no benefit in Allah's singling out idle talk, as dispraise would have encompassed any mischief committed with the purpose of leading others astray even if such an act was praised by Allah (may He be Praised and Exalted). For example, this is applicable to whoever buys a Mus-haf (Arabic Qur'an) intending to delude people and tempt them to go astray.

Indeed, Allah (Exalted be He) praises and loves the Mushaf that contains His words, but He loves His servants to purchase the Mushaf to seek guidance and Iman, not to delude and confuse others. It should be noted that Ibn Hazm and Abu Turab admitted that aspect and claimed that the Ayah is only applicable to that kind of people. Yet, this is a blatant mistake and diverting the Ayah from its true and general meaning. Hence, you should know, dear reader, that these three reasons refute the claim of Abu Turab and render it invalid. Furthermore, it becomes equally clear that the noble Ayah is an apparent proof of dispraising and prohibiting songs and music as a means of deviance and mocking Allah's words even if those who indulge in this vice are unaware of its seriousness. Indeed, this is the meaning perceived by the early Salaf. Truly, they are most worthy of having their views followed. We also refuted the claim of Abu Turab concerning the Hadith of the two slave girls and his other claim in which he cited the Hadith of Abu Mas`ud Al-Badry and his companions where singing is permitted on the occasion of a wedding. We previously explained that the aforementioned two Hadiths are a decisive proof against Abu Turab and his Imam Ibn Hazm with regard to forbidding songs and singing, not making them permissible. Praise be to Allah Whose Grace helps good deeds come true.

The encyclopedic scholar Ibn Al-Qayyim (may Allah be merciful with him) commented on the mentioned Ayah, i.e. Allah's saying:

(And of mankind is he who purchases idle talks (i.e. music, singing, etc.)) in a way that supports ours. He (may Allah be merciful with him) said: Al-Wahidy and the majority of Mufassirin (exegetes of the Qur'an) maintain that idle talk designates singing and music. This was supported by the saying of Ibn `Abbas as reported by Sa`id ibn Jubayr and Muqsim. This is also said by `Abdullah ibn Mas`ud as reported by Abu Al-Sahba'. The same explanation is adopted by Mujahid and `Ikrimah. Furthermore, it has been reported on the authority of Thawr ibn Abu Fakhitah from his father from Ibn `Abbas regarding Allah's saying: (And of mankind is he who purchases idle talks (i.e. music, singing, etc.)) that it refers to the man who buys a slave girl to sing to him by day and night.

Ibn Abu Najeeh reported from Mujahid that the Ayah refers to the man who pays much money to buy

a male or a female singer and listens to them and other kinds of delusions. This is the saying of Mak-hul. It is also the view of Abu Ishak. Ibn Al-Qayim also said that most books of Tafsir (explanation/exegesis of the meanings of the Qur'an) mention that idle talk refers to singing because it diverts people from Dhikr (Remembrance of Allah). Al-Wahidy said: People who are knowledgeable of the meanings of the Ayahs of the Qur'an said that the Ayah encompasses whoever prefers singing and musical instrument to the Qur'an. It should be noted that the word used in the Ayah is "purchasing", but still it applies to cases of substituting or choosing one thing instead of another. This is mentioned many times in the Qur'an. Further support to this is found in the interpretation of Qatadah who said, 'He may not spend money but it is enough sin to prefer misguidance

to the true speech of Allah. Al-Wahidy said: This explanation of the Ayah in this regard proves the prohibition of singing. He added that the singing of female singers is emphatically worse, for the grievous punishment dedicated for doing so. It is reported that Prophet (peace be upon him) said: ("Whoever listens to a female singer will have Al-Anik poured into his ears on the Day of the Resurrection".) Al-Anik is molten lead. Moreover, the explanation of idle talk as singing has been authentically attributed to the Prophet (peace be upon him), as it is related in the Musnads (Hadith compilation) of Ahmad, `Abdullah ibn Al-Zubair Al-Humaidy, and Jami' Al-Tirmidhy on the authority of Abu Umamah. The wording here is that of Al-Tirmidhi that the Prophet (peace be upon him) said: ("Do not sell female singers, buy them, or teach them [singing, Ed.] and there is no blessing in any trade involving them. The money taken in return for them is Haram (prohibited)." And in this regard, the following Ayah was revealed: (And of mankind is he who purchases idle talks (i.e. music, singing, etc.) to mislead (men) from the Path of Allâh))

Though the main narrator of this Hadith is `Ubaydullah ibn Zahr from `Aly ibn Yazid Al-Albany from Al-Qasim, but `Ubaydullah ibn Zahr is thiqah (trustworthy) narrator and so is Al-Qasim who is trustworthy unlike `Aly who is a weak narrator. Yet, the Hadith has proofs supporting its authenticity, which we will mention In sha'a-Allah (if Allah wills). It is sufficient to state that the Sahabah (Companions of the Prophet) and Tabi`un (Followers, the generation after the Companions of the Prophet) maintain that idle talk refers to

singing. This was authentically reported from Ibn `Abbas and Ibn Mas`ud. Abu Al-Sahba' said: I asked Ibn Mas`ud about Allah's saying: (And of mankind is he who purchases idle talks (i.e. music, singing, etc.)) He replied: By Allah, besides Whom there is no other Deity, it is singing. He repeated it thrice. It is also authentically related on the authority of Ibn `Umar (may Allah be pleased with them) that he said that idle talk refers to singing. Al-Hakim Abu `Abdullah said in the Book of Tafsir in Al-Mustadrak: Each seeker of knowledge should know that this explanation of the Sahaby who was alive by the time the Qur'an was revealed is mentioned in an authentic Hadith in the Two Sahih Books of Hadith. He said in another place that we classify this Hadith as having the same authority as that of a Hadith Marfu` (a Hadith narrated from the Prophet with a connected or disconnected chain of narration). However, this statement is liable to some consideration but it is worthier to accept the explanation of Sahabah who are the most knowledgeable of the Book of Allah. Indeed, they were the generation whom the revelation first addressed. Furthermore, they listened to the explanation of the Prophet (peace be upon him), verbally and practically. They are the most eloquent among the Arabs. Accordingly, their sayings and explanations are the most trustworthy. Thus, it should be known that there is no contradiction between explaining idle talk as singing and explaining it as the stories and tales of non-Arabs and their kings such as the Persians and the Romans and the like stories which Al-Nadr ibn Al-Harith used to tell to the people of Makkah to distract them from the Qur'an. Both of them

are idle talk.

(Part No. 21; Page No. 124)

Hence, Ibn 'Abbas said: "Idle talk" is falsehood and singing. Some Sahabah said one and some said the other while some said both. Singing is worse and more harmful than the stories of kings, because it leads to Zina (adultery) and makes hypocrisy grow in the heart. It is the trap of Satan that clouds the mind. The way in which it blocks people from the Qur'an is worse than the way in which other kinds of false talk block them, because people are naturally inclined towards it and tend to listen to it. The Ayahs condemn replacing the Qur'an with idle talk in order to mislead men from the path of Allah without knowledge and taking it as a joke, because when an Ayah of the Qur'an is recited to such a person, they turn their back as if they heard them not; as if there were deafness in their ears. If they hear anything of it, they make fun of it. All this happens only in case of people who are most stubbornly Kafirs (disbelievers). If some of it happens to singers and those who listen to them, they both have a share in this blame. This is proven by reality as you can not find anyone inclined to singing and hearing musical instruments, but that they have deviated from the path of Allah in terms of sound knowledge and practice. Such a person can not stand listening to the Qur'an which they substituted with singing. Rather, they feel annoyed when the person who recites prolongs the recitation whereas they can not have enough of singing and feel sorry when it is over. This person will surely have enough share of dispraise intended for those who purchase idle talk, if not

(Part No. 21; Page No. 125)

deserving complete dispraise.

These words should be beneficial for those who still have insightful hearts and Iman (faith). However, those whose hearts are dead and fully indulged in sinfulness can not respond to any advice. ﴿And whomsoever Allâh wants to put in Al-Fitnah [error, because of his rejecting of Faith], you can do nothing for him against Allâh. Those are the ones whose hearts Allâh does not want to purify (from disbelief and hypocrisy); for them there is a disgrace in this world, and in the Hereafter a great torment.﴾ "End of Quote.

Among the Ayahs that dispraise songs and musical instruments is Allah's saying: ﴿"And befool them gradually those whom you can among them with your voice (i.e. songs, music, and any other call for Allâh's disobedience), make assaults on them with your cavalry and your infantry, share with them wealth and children (by tempting them to earn money by illegal ways - usury, or by committing illegal sexual intercourse), and make promises to them." But Satan promises them nothing but deceit.﴾ Allah (Exalted be He) says: ﴿And those who do not bear witness to falsehood, and if they pass by some evil play or evil talk, they pass by it with dignity.﴾ The voice and falsehood have been explained as singing and musical instruments. According to another explanation, the voice refers to every call to disobey Allah whereas falsehood refers to every Munkar (that which is unacceptable or disapproved of by Islamic law and Muslims of sound intellect). Apparently, there is no contradiction between the different interpretations, as the designation of the two Ayahs encompasses all that. There is no doubt that songs and musical instruments are two of the ugliest abominations and are voices of Satan himself for they bring about hardheartedness and distraction from Dhikr (Remembrance of Allah)

(Part No. 21; Page No. 126)

and the Qur'an, let alone all other acts of worship as previously mentioned. There are many Hadiths that dispraise songs and musical instruments. The most authentic is related by Al-Bukhari in his Sahih Book of Hadith. He narrated: Hisham ibn `Ammar said that he was told by Sadaqah ibn Khalid that he

was told by `Abdul-Rahman ibn Yazid ibn Jabir that he was told by `Atiyyah ibn Qays Al-Kilabu that he was told by `Abdul-Rahman ibn Ghanm Al-Ash`ary that he said: I was told by Abu `Amir or Abu Malik Al-Ash`ary and he never lied to me, that he heard the Prophet (peace be upon him) saying: ("Verily, among my Ummah (nation) there will be people who will deem as lawful: Al-Hir, silk, Khamr (alcohol) and musical instruments.") This Hadith is blatantly dispraising those who consider musical instruments as lawful as they are accompanied by other prohibitions i.e. Al-Hir, Khamr (intoxicant), wearing silk for men. It also decisively prohibits using musical instruments for entertainment, such as the mandolin, the lute and the like. Furthermore, linguists came to one opinion regarding the explanation of musicals as entertainment instruments, because of their bad result such as hardness of the heart and distraction from performing Salah, and reciting the Qur'an. This sin is even affirmatively established when combined with musical instruments as scholars will explain later. As for the word "Al-Hir", it linguistically refers to the woman's vagina and contextually denotes the act of Zina. It is also uttered as

'Khir' which is a kind of silk. Scholars of Hadith have agreed on the authenticity of this Hadith and took it as proof for prohibiting all kinds of musical instruments. Yet, it was regarded as Ma`lul (a Hadith that appears to be sound, but thorough research reveals a disparaging factor in the chain of narrators or the text) by Ibn Hazm and Abu Turab after him under the pretext that it is Munqati` (a Hadith with a missing link after the Follower; the generation after the Prophet's Companions) between Al-Bukhari (may Allah be merciful with him) and his shaykh Hisham ibn `Ammar because he did not declare hearing it from him, but reported it as Mu`allaq (a Hadith missing link in the chain of narration, reported directly from the Prophet). Ibn Hazm was wrong about that and the Hadith scholars refuted his opinion, for Hisham was one from the shaykhs of Al-Bukhari who ranked it as Hadith Mu`allaq in his Sahih (Book of Authentic Hadith) and stressed it. Accordingly, he regards this Hadith as sahih. Furthermore, scholars of Hadith authenticated all the Hadiths which Al-Bukhari related as Mu`allaq with its sanad to his shaykh from whom he reported it. This Hadith belongs to those sahih Hadihs narrated as Mu`allaq. Al-Bukhari did not declare that he heard of that Hadith from his shaykh because he related it from him by Ijazah (authorization), or while hearing it from him in a learning session or Al-Bukhary narrated it from his shaykh through some of his trustworthy shaykhs, so he did not mention the complete sanad or for any other reasons that necessitate omission of the name of his shaykh.

Supposing that this Hadith is Munqati` between Al-Bukhari and Hisham, yet, it was authentically narrated by other than Al-Bukhari with a Muttasil (connected) sanad (chain of narrators) to Hisham ibn `Ammar. Hence, this proves the invalidity of the claim of Ibn Hazm and his follower, Abu Turab and the soundest view has been declared. And Allah is the Only One whose Help is sought.

And here, dear reader, are some of the scholar's sayings with regard to this Hadith and their declaration of the mistake of Ibn Hazm in his judgment of this Hadith. Al-Hafiz Ibn Hajar (may Allah be merciful with him) said the following in Fath Al-Bary when he mentioned that Hadith

and the saying of Al-Zarkashy and his refutation of the opinion of Ibn Hazm: "As for the claim of Ibn Hazm referred to by Al-Zarkashy, Ibn Al-Salah mentioned it in his book: "`Ulum Al-Hadith (the study of Hadith)", as he said: Although there are Hadiths in Sahih Al-Bukhari whose sanad is Munqati` (a Hadith with a missing link after the Follower; the generation after the Prophet's Companions) and accordingly has the form of Mu`allaq (a Hadith missing link in the chain of narration, reported directly from the Prophet) Hadiths in this case, but actually they do not, and neither are they classified as Da`if(a Hadith that fails to reach the status of Hasan, due to a weakness in the chain of narration or one of the narrators). Similarly, the claim of Abu Muhammad ibn Hazm Al-Zahery is not true in

relation to his rejecting the Hadith related by Al-Bukhari from Abu `Amer and Abu Malik Al-Ash`ary from the Messenger of Allah (peace be upon him): ("Verily, among my Ummah (nation) there will be people who will deem as lawful:Al-Hir, silk, Khamr (alcohol) and musical instruments.") The narration of Al-Bukhari was related by him as follows: "Hisham ibn `Ammar said..." and he mentioned it according to his sanad. Ibn Hazm claimed that this Hadith is Munqati` in the sanad between Al-Bukhari and Hisham and as such refused the Hadith to be proof of the prohibition of musical instruments. Indeed, he has several mistakes: this Hadith is sahih with a connected sanad according to the condition of the Sahih Book of Hadith. Al-Bukhari may do this, i.e. narrates the Hadith as Mu`allaq, because he related it in another position of his sahih with its connected Sanad or for other reasons." End of Quote.

Al-Hafiz then said after citing the speech of Ibn Al-Salah

(Part No. 21; Page No. 129)

in a few lines: "Senior Hadith scholars agree that the Hadiths related by Al-Bukhari as Mu`allaq in affirmative formulae of ascription to the shaykh are authentic to such shaykh. Again, if the Mu`allaq Hadith is related as Muttasil (a Hadith with a continuous chain of narration to a Companion of the Prophet or Follower; the generation after the Prophet's Companions) by some trustworthy narrators, doubt is lifted. That is why I gave due importance and compiled a book on this issue called "Ta`liq Al-Ta`liq". Our shaykh mentioned in his commentary on "Jam`i Al-Termidhi" and in his discussion about the study of the Hadith that the Hadith of Hisham ibn `Ammar was reported from him with a connected sanad in "Mustakhrag Al-Isma`ily". He said: We were told by Al-Hasan ibn Sufyan that he was told by Hisham ibn `Ammar..." and the same Hadith was related in Al-Tabarany in "Musnad Al-Shamiyien (Hadith compilation of the people of the Levant)", with such narration: We were told by Muhammad ibn Yazid ibn `Abdul-Samad that they were told by Hisham ibn `Ammar..." It was also related by Abu Dawud in his Sunan, as he said: We were told by `Abdul-Wahhab ibn Najdah that they were told by Bishr ibn Bakr who said, `Abdul-Rahman ibn Yazid ibn Jabir related to us with his sanad...." End of Quote.

The knowledgeable scholar Ibn Al-Qayyim (may Allah be merciful with him) said in Al-Ighatha when he mentioned that Hadith:

"This is a sahih Hadith related by Al-Bukhari in his Sahih Book of Hadith where he quoted it as evidence and in the form of affirmative Mu`allaq. He related it saying: Chapter on those who permit alcohol and call it by another name. His narration is as follows: Hisham ibn `Ammar said, we were told by Sadaqah ibn Khalid that `Abdul-Rahman ibn Yazid ibn Jabir said, `Atiyyah ibn Qays Al-Kilabu related to us from `Abdul-Rahman ibn Ghanm Al-Ash`ary that he said:

(Part No. 21; Page No. 130)

I was told by Abu `Amir or Abu Malik Al-Ash`ary, - by Allah, he did not tell lie to me - that he heard the Prophet (peace be upon him) saying: ("Verily, among my Ummah (nation) there will be people who will deem as lawful: Al-Hir, silk, Khamr (alcohol) and musical instruments. And verily, some people will stay near a high mountain; their shepherd will come to them with one of their herds in the evening, and the poor will come to them for a need, but they will say, 'Return to us tomorrow.' So Allah will destroy them by night and bring down upon them the high mountain, and He will transform others into apes and monkeys to the Day of Resurrection.") And those who had doubts about the authenticity of such Hadith did not go far in their claims as Ibn Hazm in order to support his view of the permissibility of listening to musical instruments and singing under the claim that this Haith is Munqati` because Al-Bukhari did not relate it as Muttasil according to his sanad. Yet, this claim is defective for many reasons:

First: Al-Bukhari met Hisham ibn `Ammar and heard from him, and his saying: "Hisham said..." means that he heard that from Hisham.

Second: if he did not hear from him, he could not stress it unless he is perfectly sure that Hisham said it. He often does that for the many Hadiths he reports from that shaykh and the fame of his sanad to him. Al-Bukhari is far from being accused of Tadlis (misrepresentation resulting from a Hadith narrator who provides misleading information about his shaykh or the chain of narration).

Third: he included the Hadith in his Sahih Book of Hadith stressing its authenticity; otherwise, he would never have done that.

Fourth: he related it as affirmative Mu`allaq without any indication of its weakness, for if he stopped during narration or the Hadith was not according to his condition, he would say: It was related or mentioned that the Prophet (peace be upon him) said ....Yet, if he said that the Prophet (peace be upon him) said..., then he confirmed the authenticity of the Hadith and attributed it to the Prophet (peace be upon him).

Fifth: leaving alone the report of Al-Bukhari, the Hadith is narrated with a connected sanad by other than Al-Bukhari. Abu Dawud said in the "Book of Clothes" of his "Sunan (Hadith compilations classified by jurisprudential themes)": "We were told by `Abdul-Wahhab ibn Najdah who said, Bishr ibn Bakr related to us from `Abdul-Rahman ibn Yazid ibn Jabir that they were told by `Atiyyah ibn Qays that he said that he heard `Abdul-Rahman ibn Ghanm Al-Ash`ary saying: We were told by Abu `Amir and Abu Malik... and he mentioned it shortened. Furthermore, it was related by Abu Bakr Al-Isma`ily in his book, "Al-Sahih" with a connected sanad as he said: Abu `Amir in an affirmative manner. There is no disagreement between the linguists that musical instruments are Haram. If such act is Halal (permitted), they would not be dispraised for deeming it lawful or mentioning it with the same degree of impermissibility as that of Khamr. As for "Al-Hir", it denotes the sinful act of Zina (adultery). If it is pronounced as "Al-Khiz", it refers to a kind of silk other than that which the Sahabah used to wear, for there are two types of Al-Khiz; one made from silk and the other from wool. Moreover, this Hadith was related by two narrations, as Ibn Majah said in his "Sunan": We were told by `Abdullah ibn Sa`id

on the authority of Mu`awiyah ibn Salih from Hatim ibn Hurayth from Ibn Abu Maryam from `Abdul-Rahman ibn Ghanm Al-Ash`ary from Abu Malik Al-Ash`ary (may Allah be pleased with him) that the Messenger of Allah (peace be upon him) said: ("Verily, people from my Ummah (nation) shall drink Khamr (alcohol), calling it by a name other than its true name. Instruments and songstresses will be played above their heads. Allah will cause the earth to swallow them and make of them apes and pigs.") This is an authentic Isnad (chain of narrators). Allah (Exalted be He) warned those who consider musical instruments lawful that He will cause the earth to swallow them and make of them apes and pigs. The warning is given against all such acts, but each sinful act is dispraised on its own. In this regard, there are many Hadiths related by many of the Sahabah such as Sahl ibn Sa`d Al-Sa`idy, `Umran ibn Husain, `Abdullah ibn `Amr, `Abdullah ibn `Abbas, Abu Hurayrah, Abu Umamah Al-Bahily, `Aishah (the Mother of Believers), `Aly ibn Abu Talib, Anas ibn Malik, `Abdul-Rahman ibn Sabit and Al-Ghazy ibn Rubai`ah. We mention all these Hadiths to make those who abide by the teachings of the Qur'an rejoice and to bear bad tidings to those who are inclined to music, singing, and other means of Satan. Then he mentioned all the Hadiths. However, if it was not for the sake of brevity, I would have reported them all. To peruse these reports, refer to the book: "Ighathat Al-Lahfan". Such Hadiths with their multitudes and different narrations present decisive proof

on the impermissibility of listening to songs and musical instruments and dispraising them that are added to the aforementioned Ayahs and Hadiths stressing the same impermissibility of songs and musical instruments. All these proofs indicate that being inclined to such means brings about Allah's Wrath and His Punishment. We ask Allah (Exalted be He) to save us and all Muslims from that evil and from delusive temptations. He is the One Who is Capable of doing so.

Scholars among the Sahabah (Companions of the Prophet) and the Tabi`un (Followers, the generation after the Companions of the Prophet) and those who followed them in righteousness, left a wealth of sayings and opinions in this regard. We have mentioned a considerable amount of that. Yet, we shall mention further proofs to support our discussion. May Allah grant us success!

It has been related by `Aly ibn Al-Ja`d and others on the authority of `Abdullah ibn Mas`ud (may Allah be pleased with him) that he said, "Singing brings hypocrisy forth in the heart as water nurtures plants." This saying was also attributed to the Prophet (peace be upon him), but it is established that it was related to Ibn Mas`ud (may Allah be pleased with him). The knowledgeable scholar Ibn Al-Qayyim (may Allah be merciful with him) said in the book of Al-Ighatha after mentioning that Athar (narrations from the Companions): If it was said how could singing in particular bring forth hypocrisy in the heart, the answer would be that this indicates the Sahabah's sound understanding of the states of hearts and the goodness or evil implanted in them as well as their knowing of how to cure sick hearts of their evils and sins. They differed from those deviants who tried to heal the hearts, but ended up making them worse.

This led to the multitude of sick souls and the scarcity of good doctors to cure them. As a result, new kinds of soul and heart sickness have become widespread which were not known at the time of the Salaf, and the wrong remedy was sought instead of the beneficial one to the extent that the sick people were seen everywhere at homes, in streets, markets, and every ignorant person claimed to have the right cure. You should know that singing plays a main role in filling the hearts with hypocrisy as plants are grown with water. It diverts the heart from receiving the guidance of the Qur'an, reflecting upon its Ayahs, and acting accordingly. Singing and the Qur'an do not co-exist in a Muslim's heart. How could this be when the Qur'an forbids following one's lustful pleasures and whims, enjoins chastity, and prohibits following the delusions of Satan, while singing tempts man to do otherwise. It stirs prohibited desires and guides to all sinful acts to gratify one's whims and caprices. Singing in that is like Khamr, for both are decisive factors in spreading lewdness, and arousing desires for the sake of dissolution and getting rid of good morals and decency. They aim to turn those who are inclined to them into servants of their whims and desires and seekers of cheap pleasures. Singing puts a veil on the heart that it can no longer accept the teachings of the Qur'an and fills the mind with thoughts of lustfulness

and licentiousness. Once a person who is religiously committed and blessed with the grace of Iman (faith) as well as abiding by the teachings of the Qur'an begins to listen to songs, they lose the soundness of his mind, chastity, decency, and begin a life of lying and disgrace and are often seen making movements and dances which are not in conformity with human reverence, shyness and dignity, to say the least, such as swaying their head, shaking their shoulders, beating the ground with their legs, tapping on their heads with their hands, jumping like flies and wandering like donkeys, clapping with their hands, mooing deeply or uttering low sounds of pain or shouting loudly like lunatics. Indeed, singing can be best expressed in the words of one of those familiar with it:

Do You remember the night when we gathered
to listen to singing until the morning
and songs were heard one after another
and drunk we were by the beautiful chanting
nothing but tones and rhythms
that brought happiness everywhere

When the cry for pleasure is launched,
the motivator of amusement cries, Pleasure is Permitted!
It was only souls that we had then
but we sacrificed them for the most beautiful eyes

Some knowledgeable people claim that listening to singing causes hypocrisy in some people, obstinacy in others, lying in others, and lewdness in others.

Furthermore, it brings about a passion for physical forms, a liking of immoral acts, and a veiling of the heart from accepting the light of the Qur'an. The true essence of hypocrisy can not be anything other than this.

The fact here is that singing is the recitation of Satan as will be mentioned later. It can not be joined with the Qur'an of the Most Merciful in a Muslim's heart. It is known that hypocrisy revolves round the contradiction between outward appearance and inward belief. Those who are inclined to singing are accordingly between two matters:

They either become lewd and immoral or pretend to have faith like hypocrites through their pretentious observance of Islamic acts of worship in order to be prosperous in the hereafter, but in reality their hearts are filled with all worldly pleasures. They are fond of musical instruments and singing which are displeasing to Allah (Exalted be He) and His Messenger (peace be upon him). This is the core of hypocrisy, for Iman (faith) is both spoken by the tongue, and and practiced by organs. These declarations and practices are only achieved by frequent Dhikr (Remembrance of Allah) and recitation of the

Qur'an. On the other hand, hypocrisy is the false saying and wrongdoing that grow by singing. Among the signs of hypocrisy are scarcely making Dhikr, offering Salah (Prayer) reluctantly, or not doing so in the manner prescribed. Hardly can you find anyone who is tempted by such sin, but that such heedlessness applies to him.

Furthermore, such hypocrisy is based on lying and singing is nothing but telling lies in the form of rhymed lines or poetry, for it beautifies what is ugly and distorts what is beautiful to be hated and discarded. This is sheer hypocrisy.

Moreoever, hypocrisy is cheating, deception, and singing is based on such sins.

Additionally, a hypocrite spoils matters where they think they set them right as described by Allah (Exalted be He). Similarly, those who are inclined to listening to music are spoiling their hearts instead of filling them with Iman. Moreove, the singer stirs the hearts to be attached to lustful temptations whereas the hypocrite diverts them to nourish doubts and delusion. Al-Dahhak said: "Singing spoils the heart and incurs Allah's Wrath." `Umar ibn `Abdul-`Aziz wrote to the guardian

and teacher of his son: "Let the first thing to teach him is to abhor the sinful means of entertainment such as music and singing that are originated from Satan and incur Allah's Wrath. It was reported to me that trustworthy scholars maintain that musical instruments and music plants hypocrisy in the heart in the same manner that plants are grown by water. Singing spoils the heart and diverts it from the path of Allah (Exalted be He). If the heart is spoiled, it becomes vulnerable to the disease of hypocrisy."

Generally, whoever is endowed with insight could discern the difference between the hard life of those who are tempted with singing and the blessed life of those who have memorized the Qur'an. The Companions of the Prophet were the most knowledgeable of the diseases of hearts and their remedies. May Allah grant us success.

Ibn Al-Qayyim said in another position of "Al-Ighatha": "Imam Abu Bakr Al-Tartushy, an Imam of Al-Maliki juristic school, said in the prelude of his book on the prohibition of listening to singing: Praise be to Allah, the Lord of the Worlds, and the good end will be for pious people, and no aggression shall be except against oppressors. May Allah show us the Truth and guide us to follow it, and show us the falsehood and guide us to avoid it. People in the past were keen to conceal their sins if they did any then beg Allah's forgiveness and repent to Him, but with the spread of ignorance and lack of knowledge, sins are being publicly committed with no fear of Allah (Exalted be He) so that we heard that some of Muslim brothers, may Allah guide them, were tempted by Satan who veiled their hearts and minds and they were deeply indulged in the sin of singing and listening to the sound of musical instruments. Not only that, but they considered this misdeed an act of obedience drawing them nearer to Allah (Exalted be He). They diverted from the path of the believers and went against the soundest scholarly opinions of jurists and esteemed scholars. ﴿And whoever contradicts and opposes the Messenger (Muhammad صلى الله عليه وسلم) after the right path has been shown clearly to him, and follows other than the believers' way, We shall keep him in the path he has chosen, and burn him in Hell - what an evil destination!﴾ Hence, I considered it my duty to clarify the Truth and refute the claims of

the people of falsehood with decisive proofs from the Book of Allah and the Sunnah of His Messenger (peace be upon him). I commence with the sayings of the scholars whose opinions are highly esteemed in all parts of the Islamic world. So, the deviated sect would know that it went against the Muslim scholars in this Bid`ah (innovation in religion). May Allah grant us success.

Then he said: As regards Malik, he prohibited singing and listening to it, as he said: If he buys a girl slave and came to know afterwards that she is a singer, he can return her back for that defect. Malik (may Allah be merciful with him) was asked about what the people of Madinah permitted as lawful singing, and he replied: 'Only the profane people did it in our city'. As for Abu Hanifah, he hates singing and considers it a sin. Likewise, the people of Kufa, such as Sufyan, Hammad, Ibrahim, Al-Sha`by and others have no disagreement on the impermissibility of singing. This also applies to the people of Basra who go for its prohibition as well. End of the quote of Al-Tartushy.

I said: He refers to the Sufis who loved singing and regarded it religiously permitted and a means to draw nearer to Allah (Exalted be He). They introduced this abhorred Bid`ah of singing and falsely claimed that it makes them more energetic in their worship and draws them close to Allah (Exalted be He) by doing what pleases Him. The scholars of their own time denied them this belief and declared their deviance from the right path. Furthermore, righteous scholars have unanimously agreed that this sect has come up with a despicable Bid`ah. Al-Tartushy complied his above-cited book to refute their claims and disclose their deviance. Hence, the reader should know that those

tempted with listening to singing and unlawful amusements are two groups:

The first regarded it as indispensable prerequisite of Din (religion) and a means to draw them close to Allah (Exalted be He). Accordingly, they are the worst and their sin is even greater. They introduced Bid`ahs to the religion and rendered singing and unlawful amusements, which are means of profanity and Satan as acts of worship to please Allah.

The second group considered singing and musical instruments as play and means of entertainment to relieve them and preoccupy their minds away from the burdens of life. Indeed, they went wrong in that and are dangerously on the brink of leading others or be led to misguidance. However, their sin is less than the first group because they did not turn such acts of deviance into rituals of worship that draw them close to Allah (Exalted be He). They thought of them as relieving pleasures and a means of self-entertainment. It should be noted that while scholars regarded the act of the first group as forbidden, they also denied the act of the second.

Then, the knowledgeable scholar Ibn Al-Qayyim (may Allah be merciful with him) after reporting the previous words of Al-Tartushy said:

"I said that Abu Hanifah's Madh-hab (School of Jurisprudence) in this regard is the sternest and his words are the strictest in prohibiting singing. His companions went for the impermissibility of listening to all musical instruments such as the pipe, the duff i.e. tambourine, and even using the sticks to produce musical sounds. They said that such means incur a sin that render whoever plays such instruments or listens to them a Fasiq (someone flagrantly violating Islamic law) and his Shahadah (Testimony of Faith) is no longer valid or accepted as a Muslim. They declared that singing and listening to it is an act of Fisq and if accompanied with enjoyment, it becomes an act of Kufr (disbelief). These are their actual words. In support of their view, they cited a Hadith but it is not authentic. Furthermore, they stressed the obligation of a Muslim doing his best not to willfully listen to singing if he passed by it or songs were played in a place nearby.

Abu Yusuf said regarding a house from which the sound of singing and musical instruments is heard that it should be broken through without permission to forbid the Munkar (that which is unacceptable or disapproved of by Islamic law and Muslims of sound intellect). If entering without permission was impermissible, the evil acts will not be shunned and people will be unable to enjoin the obligation. Even the ruler is obliged, if he heard such sounds coming out of a certain house to warn its owner. If he insists on his sin, the ruler shall imprison, whip, or take him out of his house. As for Al-Shafi`y, he said in the book entitled, "Adab Al-Qada'a" (the etiquette of jurisdiction)", Singing is a Makruh (reprehensible) act that is akin to falsehood. Whoever listens to it frequently is foolish whose Shahadah is rejected.

His students who were well-versed with his opinions also declared the impermissibility and condemned those who claimed that he permitted it such as the judge Abu Al-Taib Al-Tabary, shaykh Abu Ishaq. and Ibn Al-Sabagh.

Shaykh Abu Ishaq said in Al-Tanbieh: It is not permissible to take money in return for a prohibited act such as singing, playing the pipe, and carrying wine. He did not mention any disagreement in this regard. He also said in "Al-Muhadhab": It is impermissible to receive money for prohibited matters such as singing or accepting compensation, for it is like Maytah (carrion/unslaughtered dead animals) and blood.

Hence, the saying of the shaykh involves three matters:

First, taking money or compensation in return for singing is Haram (prohibited).

Second, hiring singers is Batil (null and void).

Third, earning a living by means of singing is taking money unjustly that is tantamount to eating dead carcasses and blood. Fourth, it is not permissible for a man to person a singer any of their money, because they are wasting their money in a prohibited way.

If they pay it for singing, it is like paying it for the dead carcasses and blood. Fifth, it is Haram to listen to or play the pipe which is the least prohibited of the musical instruments. However, the matter is worse with regard to other instruments such as the lute and the tambourine which are more emphatically Haram. Any Muslim who has the least degree of knowledge should not refrain from propagating the impermissibility of such forbidden amusement, namely singing which is the banner of sinful lovers and those addicted to Khamr."

Likewise, Abu Zakariyya Al-Nawawy said in his book called: "Rawdat-Al-Talibeen" (part: II): Singing with some musical instruments such as the tambourine, the lute, stringed instruments and other symbols of drunken people are all prohibited to play or listen to. There are two opinions regarding the flute; Al-Baghawy went for its impermissibility while Al-Ghazzaly permitted it. Yet, the soundest scholarly opinion adopts its impermissibility.

Abu Al-Qasim Al-Dawla`y wrote a book on the impermissibility of the Flute. Moreover, Abu `Amr ibn Al-Salah reported the Ijma` (consensus) on the prohibition of singing which was accompanied by instruments like the duff and the flute. He said in his Fatwas:

Concerning the permissibility of singing, it should be known that if it is accompanied by musical instruments like the duff and the flute, it becomes Haram according to the Imams of the of the Madh-habs and other Muslim scholars. It is not reported from any scholar whose sayings are esteemed in matters of Ijma` and disagreement that he permitted singing. As for the disagreement reported from some of the students of Al-Shafi`y, it is only with regard to the flute or the duff on their own. Whoever has insufficient knowledge

might think that there is a kind of disagreement between the students of Al-Shafe`iy on the ruling of listening to singing which is accompanied with the aforementioned instruments. This is a groundless claim as refuted by Shari`ah-based evidence and a sound mind. It should be noted that no disagreement among the scholars may be taken as a pretext for adopting Rukhsah (concession) in religious matters. Whoever seeks concessions given by scholars will eventually abandon the limits of religion. Their claim that they only listen to singing as a means of drawing close to Allah (Exalted be He) contradicts the Ijma` of Muslims. Whoever goes against the consensus of the Muslims will fall under Allah's saying: ﴿ And whoever contradicts and opposes the Messenger (Muhammad صلى الله عليه وسلم) after the right path has been shown clearly to him, and follows other than the believers' way, We shall keep him in the path he has chosen, and burn him in Hell - what an evil destination!﴾

He then elaborated in his refutation of the claims of the two sects who deem lawful what Allah prohibited and draws close to Him by means that only draw them further. Al-Shaf`iy and his earlier students as well as those who are well-versed with his juristic opinions have adopted the strictest attitude towards singing and musicals. Furthermore, it has been reported from Al-Shafi`y that he said: I left behind in Baghdad a Fitnah (temptation) introduced by the heretics, which they call Al-Taghbir to divert people from reciting the Qur'an and reflecting on its Ayahs. If this was the case with this thing called Al-Taghbir, i.e., a kind of poetry said by a singer encouraging people to renounce worldly matters while some of the listeners synchronize the rhythm of his singing with their beating on a billow using an iron bar, then what should be his opinion on the singing which includes every evil. Indeed, Allah (Exalted be He) has made the rulings of His Din clear. There will be always a

distinction between infatuated learners and ignorant worshippers.

(Part No. 21; Page No. 144)

Sufyan ibn `Uyaynah said: Beware of the Fitnah of the immoral scholar and the ignorant worshipper, as theirs is the worst.

Whoever reflects on the corruption prevailing in the Islamic Ummah (nation) will definitely trace it back to these two examples. As for the view of Al-Imam Ahmad, his son `Abdullah said: "I asked my father about singing, he said: Singing makes hypocrisy grow in the heart; I do not like it. Then, he mentioned the words of Imam Malik: Only the profane do it in our city

`Abdullah said: I heard my father says: I heard Yahya Al-Qattan say: If a person accepts the concession of the people of Kufa regarding Khamr, and the people of Madinah regarding singing, and the people of Makkah regarding Mut`ah marriage (temporary marriage for a stipulated period), he or she will finally become a transgressor

Ahmad said: Sulayman Al-Taymy said: If you follow the Rukhsah (concession) given by every scholar or the mistake he did unwillingly, you will eventually be an evildoer. He also held the opinion that musical instruments such as the tanboor [a stringed instrument similar to a mandolin] and other similar instruments should be destroyed if they were exposed. However, if they are covered and could be detected, there are two opinions narrated from him in this regard. He also said, if orphan children inherited a singing slave girl and wanted to sell her, they should do so as a naive slave girl, even if she was worth more than that if sold as a singing slave girl. If the money paid in return for singing was lawful, he would not deprive the orphans from it. As for listening to a foreign woman or a good-looking young man, this is one of the most heinous sins

(Part No. 21; Page No. 145)

and worst acts. Al-Shafi`y (may Allah be merciful with him) said: If a man who owns a slave girl gathers people to listen to her (singing), he is foolish and his Shahadah is rejected and Al-Shafi'y defamed him badly. He even added that whoever did that will be considered immoral.

Al-Qady Abu Al-Tayyib said: He (the owner of the singer slave girl) was described as a fool, because he called people to a form of falsehood. Whoever does that is a fool and a Fasiq. He further said: Al-Shafi`y used to hate Al-Taghbir which is beating with an iron bar as introduced by the hypocrites to divert people from the Qur'an. He even said: As for the lute, the tanbour, and other musical instruments, they are Haram. Those who listen to them are Fasiqs. Indeed, following the main body of Muslims prevails over the opinions of two untrustworthy men. I [e.g Al Qady Abu Al-Tayyib. Ed.] said: He means Ibrahim ibn Sa`d and `Ubaidullah ibn Al-Hasan. He said: Only two men held an opinion contrary to the impermissibility of singing. They are: Ibrahim ibn Sa`d. Al-Sajy reported that he deemed it as lawful. The second is `Ubaydullah ibn Al-Hasan Al-`Anbary, the judge of Basra as there are doubts concerning his authenticity." End of the quote of Ibn Al-Qayyim (may Allah be merciful with him).

Al-Qurtuby cited in his book of Tafsir (explanation/exegesis of the meanings of the Qur'an) Al-Tabary what reads as: "The scholars of all regions agreed that singing is Makruh (reprehensible) and should be prevented. Only Ibrahim ibn Sa`d and `Abdullah Al-`anbary differed from the majority of scholars." End of quote.

I said: Ibrahim ibn Sa`d and `Abdullah ibn Al-Hasan Al-`anbary are known for their trustworthy and honest character. They are among the trustworthy Tabi`un (Followers, the generation after the Companions of the Prophet). It might be that whatever is reported from them regarding the permissibility of listening to singing refers to that kind that encourages renouncing worldly matters and striving more for the

(Part No. 21; Page No. 146)

Hereafter. Apparently, their opinions were mistakenly related to listening to prohibited singing. The same applies to what was reported from `Abdullah ibn Ga`far ibn Abu Talib (may Allah be pleased with him) with regard to listening to singing and owning singing slave girls. This should be understood in the sense of lisenting in a way that does not divert people from the truth or bring about the spread of Batil, even though Ibn `Umar and Al-Hasan Al-Basry denied him his saying.

It is established for scholars that Al-Haq (the Truth) should be followed. It is not permissible to go against the consensus of the main body of Muslims and adhering to contradictory opinions without proofs; rather, sound opinions should be esteemed according to the righteousness and piety of the scholars who adopted them. You have, dear reader, read the words of Sulayman Al-Taymy: If you follow the Rukhsah (concession) given by every scholar or the mistake he did unwillingly, you will be eventually a mere wrongdoer.

Al-Qurtuby mentioned in his Tafsir that Abu Al-Faraj said: Al-Qaffal, one of our companions, said: The Shahadah of the singer and the dancer is not to be accepted. I say: if it is proven that this matter is not permissible, then accepting payment for it is not permissible either. Ibn `Abdul-Bar claimed the Ijma` on the prohibition of receiving payment for singing. The end of what Al-Qurtuby reported.

This is the last of what I meant to say about singing and musical instruments, for if we delved into the Hadiths and Athar (narrations from the Companions) as well as the sayings of scholars, it will take a lot of space.

(Part No. 21; Page No. 147)

What we said would suffice those who seek Al-Haq, but those who follow their whims are left to themselves. We ask Allah (Exalted be He) to grant us and all Muslims success and guide us to all that pleases Him and saves us from His Wrath. We seek refuge with Allah from the evils of ourselves and from our bad deeds. My advice to Abu Turab and those like him who are infatuated with singing and musical instruments is to fear Allah (Exalted be He) and repent to Him. Indeed, returning to the Truth is a virtue and adhering to falsehood is vice. Had not it been for the sake of brevity, we would have focused on all that was mentioned in the article of Abu Turab and the many mistakes he fell into. Yet, any one with the least degree of insight and wisdom would come to know that. Allah is the One to be sought for support, and there is neither might nor strength except by Him. Allah Alone is Sufficient for us. He is the Best Disposer of affairs for us. Peace be upon His Slave, Messenger, Muhammad, his family, and Companions.

(Part No. 21; Page No. 148)

The ruling on singing

Q 54: I have read in Okaz Newspaper, [issue no. (6101) released on Saturday, month of Rabi' al-Thani 1403A.H.] that a Saudi singer gave up singing. However, during a flight between Cairo and Paris this singer met one of the scholars and they talked together about singing and its permissibility. It happened that this singer did not get off the plane but after he was convinced by the scholar with supported proofs and pieces of evidence that singing is permissible. Later, this singer released many new songs.

Are there any proofs that support the permissibility of singing, especially the present singing with the intolerable degree of obscenity and accompanied by music?

A: Singing is prohibited according to the Jumhur (dominant majority of scholars). If it is accompanied by musical instruments such as the lute or any other instruments, it is Haram (prohibited) according the Ijma` (consensus of scholars).

The proof for that includes Allah's saying: ﴾And of mankind is he who purchases idle talks (i.e. music, singing, etc.) to mislead (men) from the Path of Allâh without knowledge, and takes it (the Path of Allâh, or the Verses of the Qur'ân) by way of mockery. For such there will be a humiliating torment (in the Hell-fire).﴿

as the majority of Mufassirs (exegete of the Qur'an) explained idle talk to mean singing. `Abdullah ibn Mas`ud (may Allah be pleased with him) used to swear that this refers to singing and say: Singing makes hypocrisy grow in the heart like water grows grass.

Furthermore, it is narrated in the sahih (authentic) Hadith from the Prophet (peace be upon him) that he said: ﴾"Verily, among my Ummah (nation) there will be people who will deem as lawful: Al-Hir, silk, Khamr (alcohol) and musical instruments."﴿ The Hadith is related by Al-Bukhari in his Sahih Book of Hadiths in the form of affirmative Mu`allaq. Other narrators reported it with sahih Sanad (chain of narrators). In this way, it is completely clear that this scholar who adopted the permissibility of singing ascribed baselessly false claims to Allah (Exalted be He) without knowledge and issued a false Fatwa for which he will be asked on the Day of Resurrection. Allah is the One Whose help is sought.

Ruling on listening to songs

Q 55: What is the ruling on listening to songs?

A: Listening to songs is undoubtedly Haram (prohibited), as it might lead to other sins and temptations

such as committing the unlawful act of Zina (premarital sexual intercourse), sodomy, or drinking Khamr (intoxicant), gambling, and befriending bad people. Furthermore, it might lead to Shirk (associating others with Allah in His Divinity or worship) and disbelieving in Allah according to the content and words of the songs listened to. Allah (Glorified and Exalted be He) says in His noble Book: ﴾And of mankind is he who purchases idle talks (i.e. music, singing, etc.) to mislead (men) from the Path of Allâh without knowledge, and takes it (the Path of Allâh, or the Verses of the Qur'ân) by way of mockery. For such there will be a humiliating torment (in the Hell-fire).﴿ ﴾And when Our Verses (of the Qur'ân) are recited to such a one, he turns away in pride, as if he heard them not - as if there were deafness in his ear. So announce to him a painful torment.﴿

He (may He be Praised) tells that some people purchase idle talk to misguide others from the path of Allah. The verb "Leyadel", i.e. to misguide was pronounced in two different ways to indicate that those who listen to music may even lead others or be led to misguidance due to the diseases that afflict their hearts and render them hard. Accordingly, he diverts from the Truth because of his frequent sin and abandoning what Allah enjoined upon him, such as abandoning Salah (Prayer) in congregation, undutifulness to one's parents, practicing the sin of gambling and even committing the acts of Zina, sodomy and other evils that he might be dragged to due to his inclination to songs and singing.

The majority of Mufassirs (exegete of the Qur'an) explained idle talk as referring to singing, while others adopted the view that it refers to every sound pertaining to false means of entertainment, such as

(Part No. 21; Page No. 151)

the musical instruments of the pipe, the Rababa, the lute, the violin and the like. All these divert people from the path of Allah and cause those infatuated with them to lead others and even themselves to misguidance.

It is authentically reported that `Abdullah Ibn Mas`ud the honorable Sahaby (Companion of the Prophet) and one of the knowledgeable Sahabah of the Prophet (peace be upon him) swore by Allah that idle talk refers to singing. He said: "Singing brings hypocrisy forth in the heart as water nurtures plants." The Ayah (Qur'anic verse) indicates that meaning. Allah (Exalted be He) says: ﴾And of mankind is he who purchases idle talks (i.e. music, singing, etc.) to mislead (men) from the Path of Allâh without knowledge, and takes it (the Path of Allâh, or the Verses of the Qur'ân) by way of mockery. For such there will be a humiliating torment (in the Hell-fire).﴿ It means that singing renders those who listen to it blind as it makes the hearts diseased and hardened, and lets people follow their lustful desires and diverts them from the Truth if they become more and more inclined to it. It may lead him also to adoring others whether males or females and accompanying so-and-so who are not righteous persons. ﴾and takes it (the Path of Allâh or the Verses of the Qur'ân) by way of mockery.﴿ This means that those who listen to singing are as if they have incurred the wrath of Allah by taking His religion as mockery and fun. The word "Sabil" i.e. way might be said in the masculine or feminine form. Singing and music lead people to be careless of Allah's ordinances and commands, and even can no longer bear listening to the recitation of the Qur'an, because they have become accustomed to dissolute and tempting sounds of singing and musical instruments. This is one of Allah's instant punishments

(Part No. 21; Page No. 152)

for those who disobey Him.

Hence, the Mu'min (believer), whether male or female, should be on their guard against falling victims to such sin. Furthermore, there are many Hadiths that indicate the prohibition of singing and musical instruments as means to greater evil and bad consequences. It is worth mentioning that the knowledgeable scholar Ibn Al-Qayyim (may Allah be Merciful with him) in his book, "Ighathat Al-Lahfan" gave considerable elaboration on the ruling of songs and musical instruments. For those who want to read more in this regard, they could refer to this book which is greatly beneficial with regard to the issue in question. And Allah is the only One whose Help is sought. May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

Ruling on listening to music

Q 56: What is the ruling on listening to music?

A: Music and musical instruments are all evil, but they are things that Satan makes appear attractive and enjoyable, and he calls people to them so as to distract them from the truth by means of falsehood. In this way, he can distract them from that which Allah loves and lead them towards that which Allah hates and decrees as Haram (prohibited). Music, the lute and all musical instruments are all Munkar (that which is unacceptable or disapproved of by Islamic law and Muslims of sound intellect) and it is not permissible to listen to them. It has been authentically reported that the Messenger of Allah (peace be upon him) said: (Verily, among my Ummah (nation) there will be people who will deem as lawful:

(Part No. 21; Page No. 153)

Hir (illegal sexual intercourse), silk, Khamr (alcohol) and musical instruments.) The "Hir" refers to the illegal sexual relations or Zina (premarital sexual intercourse). Musical instruments here include also songs.

I advise you and the other women or men to increase your recitation of the Qur'an and listen to the program of "Nour `Ala Al-Darb", as they include much benefit and will definitely attract you away from the evil of listening to songs and musical instruments. May Allah guide us all to what pleases Him as He is All-Hearer and Responsive!

(Part No. 21; Page No. 154)

Ruling on songs in Islam

I have read what some local news wrote about the call of some writers that the Saudi national radio station should broadcast songs for the most famous male and female singers following the example of the Jews and their likes. They claim that this would attract listeners who are fond of singing to the Saudi national radio station instead of listening to other radio stations. I have also read what His Eminence, Shaykh `Abdul-Malik Ibn Ibrahim, Shaykh Hasan ibn `Abdullah and another writer who refused to mention his name with regard to their response to such foolish call, and malicious, deviant desire to incur Allah's Wrath. May Allah reward those who defend Al-Haqq (the Truth) with the best reward, and guide those who deviated from His Path and protect Muslims from this evil and Fitnah (temptation)!

Dear reader, the radio station is itself a double-edged means that you could use either for your own benefit or harm.

Undoubtedly, and according to the Islamic point of view and the sound mind that it should be exploited as a means for positive guidance for the good of the Ummah (nation) in religious and worldly matters.

(Part No. 21; Page No. 155)

It is not permissible by any means that it be rendered as a tool for corruption and diverting the Ummah from what achieves its objectives and causes its welfare. On the other hand, those with sound minds and good Fitrah (natural disposition) can not deny that making the radio broadcasts immoral songs for male and female singers is an evil practice that causes corruption and demoralization instead of reformation and guidance. It would have been better if those who called for imitating the Jews and their likes did not restrict their efforts to songs; rather they should have encouraged Muslims to catch up with their advancement by means of building new factories and fruitful business activities. Unfortunately, they have become demoralized and lost insight as they call their Muslim brothers to imitate the enemies of Allah, His Messenger and Arab Muslims in particular in one of the most abominable practices and low morals that strip nations of their freedom and divert them from aspiring to high morals, respectful manners and reformation. Alas, they call for evil sins and corruption. What could be more devastating and a reflection of weak minds and demoralization than an Islamic country seeking to propagate a despicable call and one the ugliest abominations and immoral manners for which it should take as an example a nation that publicly expresses its sternest enmity towards Islam and Arabs, and which was cursed by Allah. Accordingly, those who follow it will have a share of Allah's Wrath. Allah distinguished between His Creatures and ranked them differently

(Part No. 21; Page No. 156)

with regard to their aspirations and objectives; those who want to reform wherever they are and call for the high morals, honorable deeds, seeking to achieve beneficial businesses and factories that will do for the good of his nation in the age of material advancement, diversified ideologies, and on the

other hand there are those whose morals were heavily degraded to the extent of his calling to the most degradable manners and immorality. They call for what undermines the stability of their nations and pushes it away from the way of prosperity and reformation which are only attained by means of painstaking efforts. Furthermore, they do not instigate their nation to imitate other nations in the fields of their advancement that could be applicable to their own countries, but their aim is to drive it in the way of evil, not goodness and in the way of what causes it harm, not benefit. It is only through this that Allah tests His Creatures and this is His Way in distinguishing between the good and the bad among them. Verily, Glorified be Allah who is the Most-Wise and Most-Knowledgeable of the affairs of His Servants.

Dear honorable reader, you should know that letting the radio broadcast songs and music is evil and Haram (prohibited) according to the Ijma` (consensus) of trustworthy scholars, and even if singing was not accompanied by any musical instrument it is still Haram according to the majority of scholars.

Moreover, it is well-established through many reported proofs that listening to songs and being heavily attached to them, especially when they are accompanied by musical instruments such as the Lute is one of the most wicked temptations of Satan with which he tempts the hearts of the ignorant, diverts them from the Qur'an and makes them inclined to wickedness and disobedience.

Singing is the recitation of Satan and the evil that leads to Zina, homosexuality and all kinds of malicious acts and vices.

It was reported by Abu Bakr Al-Tartushy and other scholars that the Imams of Islam have all dispraised singing and musical instruments and warned against them. Furthermore, the knowledgeable scholar Abu `Amre ibn Al-Salah (may Allah be Merciful with him) reported the scholar's prohibition of singing which is accompanied with musical instruments such as the lute and others, as such means render the hearts diseased, and hardened, and they spoil morals and divert people from Dhikr (Remembrance of Allah) and Salah (Prayer). There is no doubt that singing is a means of entertainment which Allah dispraised as a cause for growing hypocrisy in the heart as water grows grass. This is even worse when the ignorant people are inclined to the famous singers whose effect is more harmful to the hearts, for Allah (Exalted be He) says: ﴿And of mankind is he who purchases idle talks (i.e. music, singing, etc.) to mislead (men) from the Path of Allâh without knowledge, and takes it (the Path of Allâh, or the Verses of the Qur'ân) by way of mockery. For such there will be a humiliating torment (in the Hell-fire).﴾ ﴿And when Our Verses (of the Qur'ân) are recited to such a one, he turns away in pride, as if he heard them not - as if there were deafness in his ear. So announce to him a painful torment.﴾ Al-Wahidy and other scholars said: "Most Mufassirs (exegetes of the Qur'an) were of the view that 'idle talk' refers to singing."

Furthermore, Ibn Mas`ud (may Allah be pleased with him) who was one of the veteran and knowledgeable Sahabah (Companions of the Prophet) used to swear by Allah that idle talk refers to singing.

He (may Allah be pleased with him) said: "Singing implants hypocrisy in the heart as water grows plants." There are many traditions and sayings from the Sahabah and the Tabi`un (Followers, the generation after the Companions of the Prophet) which dispraise singing and musical instruments. Besides, it has been authentically reported from the Prophet (peace be upon him) that he said: ﴾Verily, among my Ummah (nation) there will be people who will deem as lawful: Hir, silk, Khamr (intoxicant) and musical instruments.﴿ (Related by Al-Bukhari) Hir is the act of Zina. The word "Ma'zif", refers to means of entertainment, such as music, the prohibited instruments of the drums, the lute, the Rababa and stringed musical instruments.

The knowledgeable scholar, Ibn Al-Qayyim (may Allah be Merciful with him) said in Al-Ighatha that there is no disagreement between linguists that Ma'azif refers to the all musical instruments. It was also related by Al-Tirmidhy on the authority of `Imran ibn Husayn (may Allah be be merciful with him) that the Messenger of Allah (peace be upon him) said: ﴾There will be stoning, sinking, and distortion in my people. A Muslim man said: "When will that happen, Messenger of Allah?" He replied: "When female singers and musical instruments spread and wine is drunk.﴿

(Part No. 21; Page No. 159)

It was related also by Ahmad in his Musnad with a good Sanad (chain of narrators) on the authority of Ibn `Abbas (may Allah be pleased with them) that the Prophet (peace be upon him) said: ﴾Allah has forbidden wine (khamr), game of chance (maysir), drum (kubah), and every intoxicant.﴿ The word Kubah is the instrument of the drums, as said by Sufyan who is one of the narrators of the Hadith.

There are many Hadiths and traditions that dispraise singing and musical instruments that cannot be mentioned in this concise notification. Moreover, what we mentioned would be sufficient and convincing for the truth seeker. It should be noted that those calling for broadcasting songs and music on the Saudi radio have been misled that they deemed lawful what is unlawful and vice verse. Apparently, they did not examine all aspects of the matter as they could not discern the harms and evil consequences that would result accordingly. Indeed, how great is the saying of Allah (Exalted be He): ﴾Is he, then, to whom the evil of his deeds is made fair-seeming, so that he considers it as good (equal to one who is rightly guided)? Verily, Allâh sends astray whom He wills, and guides whom He wills. So destroy not yourself (O Muhammad صلى الله عليه وسلم) in sorrow for them. Truly, Allâh is the All-Knower of what they do!﴿ The poet was truthful when he said:

A man is preoccupied with his distress
that he sees beautiful what is not

(Part No. 21; Page No. 160)

Sahih Hadiths indicate that those who invite others to follow the misguidance that they follow, will carry the same sins as those committed by those who follow them, without their own sins being reduced at all.

It is authentically reported in Sahih Muslim on the authority of Abu Hurayrah that the Messenger of Allah (peace be upon him) said: ﴾If anyone calls others to follow right guidance, his reward will be

equivalent to those who follow him (in righteousness) without their reward being diminished in any respect, and if anyone invites others to follow error, his sin will be equivalent to that of the people who follow him (in sinfulness) without their sins being diminished in any respect.) What a great danger and the sternest warning is for whoever propagates falsehood and calls others to follow it.

My advice to those who call for singing and musical instruments is to repent to Allah from their sin and return to Al-Haq (the Truth) and ask Allah to guide them to Al-Sirat-ul-Mustaqim (the Straight Path). This is better for them than remaining in the side of misguidance, as Allah accepts Tawbah (repentance to Allah) from those who repent, shows forbearance towards those who disobey Him, gives respite without negligence.

We ask Allah that He may guide us, them and all Muslims to His Path and save us from the whisperings of Satan.

The aforementioned proofs and traditions as well as the sayings of the scholars make it clear for anyone with the least degree of wisdom that it is obligatory to keep radio stations away from the interference of what might render these means harmful. This is applicable to the oriental and western radio stations

(Part No. 21; Page No. 161)

as long as they are under the auspices of a Muslim country, then what if such radio station was in the land which is the cradle of Revelation and the source of light and the Qiblah (direction faced for Prayer towards the Ka`bah) to which Muslims regardless of their place are directed to five times a day. Undoubtedly, this country should be protected against what could be a cause for harming Muslims in their religious or worldly affairs.

Allowing songs and music to be broadcast over the radio will undeniably affect Muslims negatively in their religion and worldly affairs, and for this reason, our means of mass media should be protected from this and be exploited only to serve Islam and spread the Truth and call for it. They should be beneficial tools spreading only what brings about the welfare of Muslims in their life and the Hereafter, and making available the beneficial sciences as well as providing daily recitation of the Qur'an and its Tafsir (exegesis of the meanings of the Qur'an) as reported from the Prophet (peace be upon him) and the Salaf (righteous predecessors). Our media is like a torch of light that focuses on the development of Muslims in different fields; medical, agricultural, commercial and educational and other ways of reformation whether with regard to Muslim's religion or their worldly life.

This is how I see the objectives of our media, and towards that direction it should be directed by those in charge of that important tool, as they are responsible before Allah on the Day of Resurrection where no wealth or children will avail, except those who come to

(Part No. 21; Page No. 162)

Allah with a pure heart.

Our government did well in establishing a radio station dedicated for the recitation of the Qur'an, its Tafsir and explaining the prophetic Hadiths, accordingly it set an example for other Islamic countries. It also achieved great benefits when it started Nur `Ala Al-Darb (Light on the way) program which receives Muslim's questions in different fields of knowledge and gives the chance to trustworthy scholars who are well-versed and following the path of the righteous Salaf to answer such questions. May Allah reward our government with the best reward! I give this word on behalf of myself and all scholars as well as all the Muslims who become furious if what Allah has made inviolable is violated. I address all the Muslim rulers to protect the means of media from the harmful programs that negatively affect Muslims than benefitting them, and to give its responsibility to those who fear Allah as He should be feard, for every ruler is responsible for his people.

I ask Allah to guide them to reform these means of media and protect them against being a harmful tool to Muslims. Moreover, I ask Allah (may He be exalted) by His Most Beautiful Names and Sublime Attributes to grant all Muslim rulers success in carrying out that which pleases Him. May Allah support the Truth

through them and frustrate falsehood by their hands! May Allah guide Muslim rulers to abide by and follow Shari`ah (Islamic law), revere His Limits and warn against opposing it! He is Omnipotent over all things, and Allah is Sufficient for us and He is the Best Disposer of affairs. May peace and blessings of Allah be upon His Messenger Muhammad, his family, and Companions!

(Part No. 21; Page No. 164)

Ruling of singing and gathering people to listen to musical instruments and songs

Q 58: What is the ruling on songs? Are they Haram (prohibited) or not, bearing in mind that I only listen to them as self-entertainment?

Besides, what is the ruling on playing the instrument of rebec and listening to old songs?

Finally, is beating drums in weddings Haram although I heard that there is nothing harm with that?

May Allah reward you and lead you to the right path!

A: Listening to songs is Haram and Munkar (that which is unacceptable or disapproved of by Islamic law and Muslims of sound intellect), and one of the reasons that cause the heart to become diseased, hardened, and ultimately die as they are diverted from Dhikr (Remembrance of Allah) and performing Salah (Prayer). Many scholars have explained Allah's saying: ﴿And of mankind is he who purchases idle talks (i.e. music, singing, etc.) to mislead (men) from the Path of Allâh without knowledge, and takes it (the Path of Allâh, or the Verses of the Qur'ân) by way of mockery. For such there will be a humiliating torment (in the Hell-fire).﴾ as referring to singing. Moreover, `Abdullah ibn Mas`ud (may Allah be pleased with him) used to swear that idle talk is singing. Yet, it is even more detestable if singing is accompanied with a musical instrument, such as the rebec, the lute, the violin,

(Part No. 21; Page No. 165)

or the drums. Some scholars mentioned that singing which is accompanied by musical instruments is prohibited.

Hence, it is obligatory to beware of that. It has been authentically reported from the Messenger of Allah (peace be upon him) that he said: ﴿Verily, among my Ummah (nation) there will be people who will deem as lawful: Zina (premarital sexual intercourse and/or adultery), silk, Khamr (alcohol) and musical instruments.﴾ I advise you and others like you to listen to the Holy Qur'an radio station and Nur `Ala Al-Darb (Light on the way) program, for they present great benefit instead of listening to songs and musical instruments.

It is permissible to use the Duff (a tambourine-like instrument without bells) in weddings accompanied by respectful and related singing which does not contain any call to unlawful acts or praising impermissible matters, and this should happen in the gatherings of women in order to announce the marriage and to distinguish it from illegitimate relation, as this was reported from the Prophet (peace be upon him).

It is not permissible to use the drums in weddings, only the Duff. Furthermore, loud speakers are not permitted in weddings as well as prohibited songs as they entail great Fitnah (temptation) and bad consequences. They bring harm to Muslims.

(Part No. 21; Page No. 166)

It should be noted that little time is needed to declare the marriage, because wasting much time in weddings leads to missing Fajr (Dawn) Prayer or offering it not in its due time. This is one of the ugliest abominations and an act of hypocrisy.

Q 2: What is the ruling on gatherings in which people listen to songs and musical instruments such as the lute, violin, drums and suchlike? Moreover, they claim that doing so is permissible.

A: The Ayahs (Qur'anic verses) and the Prophetic Hadiths explained the dispraise of songs and musical instruments and warned people against listening to them. Furthermore, the Qur'an referred that using them is one of the reasons of misguidance and mockery of Allah's Ayahs, as Allah (Exalted be He) says: ﴾And of mankind is he who purchases idle talks (i.e. music, singing, etc.) to mislead (men) from the Path of Allâh without knowledge, and takes it (the Path of Allâh, or the Verses of the Qur'ân) by way of mockery. For such there will be a humiliating torment (in the Hell-fire).﴿ The majority of scholars have explained the idle talks as referring to songs, musical instruments and every sound that diverts from the path of Allah. It has been authentically reported from the Prophet (peace be upon him) that he said: ﴾Verily, among my Ummah (nation) there will be people who will deem as lawful:

(Part No. 21; Page No. 167)

Zina, silk, Khamr (alcohol) and musical instruments."﴿

﴾The Prophet (peace be upon him) said: 'At the end of the time, people will make it lawful as they make wine, adultery and silk lawful.﴿ This is one of the signs of his prophethood (peace be upon him), as all what he told really came true. The Hadith mentioned above indicates the prohibition and dispraising of singing as well as those who deem it to be lawful as the Hadith dispraised those who deem drinking wine and commit adultery lawful. Ayahs and Hadiths are numerous in warning against songs and musical instruments.

Whoever claims that Allah made it permissible to listen to songs and musical instruments, has ignorantly told lies against Allah and committed one of the great evils. We seek refuge in Allah against obeying our whims and desires.

Moreover, it is a more bitter and grievous crime committed by those who claim that it is desirable which reflects their ignorance of Allah, however, it is ascribing lies to Allah and His Shari`ah (Islamic law). Yet, it is indeed desirable to beat the Duff (a tambourine-like instrument without bells) during weddings for women to publicize marriage and distinguish it from adultery. There is no harm if women sing some songs among themselves if these songs do not encourage deniable acts or frustration of an obligatory matter. However, this should be done in between, without intermixing

(Part No. 21; Page No. 168)

with men and without announcement that may harm the neighbors through loudspeakers because this my harm Muslims and others. Similarly, it is not permissible for women to use other musical instruments other than the Duff in weddings such as lute, violin, or Rababah (Arabic instrument like violin) and suchlike. Using such things is a deniable act. They are permitted only to use the Duff.

As for men, it is not permissible for them to use or play any musical instruments whether in wedding parties or other occasions; rather they are only permitted to train to use weapons in wars such as archery, riding horses and competing with them; in addition to other means of war, such as training

on using spears, shields, tanks, planes, canons, automatic rifles, bombs and all equipment of Jihad in the Cause of Allah.

I ask Allah to set right the affairs of Muslims, and make them understand their religion and learn the useful ways of Jihad to protect their religion and homes as He is All-Hearer and Responsive!

Ruling on listening to religious and national songs

Q: I have previously asked Your Eminence about listening to songs and you replied that it is Haram (prohibited) to listen to impudent songs. So, what is the ruling on listening to religious and national songs

(Part No. 21; Page No. 169)

and children and birthday songs taking into consideration that they are always mixed with music whether on radio or television?

A: Music is absolutely prohibited and any songs which are mixed with music are prohibited. Celebrating birthdays are Bid`ah (innovation in religion) and should not be attended or took part in. Allah (Glorified be He) says: (And of mankind is he who purchases idle talks (i.e. music, singing, etc.) to mislead (men) from the Path of Allâh without knowledge) Most Mufassirs (exegetes of the Qur'an) were of the view that idle talk is singing and sounds produced by musical instruments. `Abdullah ibn Mas`ud (may Allah be pleased with him) said that singing plants the seeds of hypocrisy in heart as water makes plants grow. It was reported in Sahih Al-Bukhari that the Prophet (peace be upon him) said: (Verily, among my Ummah (nation) there will be people who will deem as lawful Hira (adultery) Silk, Khamr (alcohol) and al-Ma`azif (musical instruments).) The word Ma`azif in the Hadith includes singing and music instruments. It was reported in the Two Sahih (authentic) Books of Hadith (i.e., Al-Bukhari and Muslim) on the authority of `Aishah (may Allah be pleased with her) that the Prophet (peace be upon him) said: (He who innovates things in our affairs for which there is no valid (reason) (commits sin) and

(Part No. 21; Page No. 170)

these are to be rejected.)

Celebrating birthdays is an innovation as the Prophet (peace be upon him) did not do that nor ask people to do that and the Prophet is the best one who advises the nation and the best one who knows Shari`ah (Islamic law) of Allah. Sahabah (Companions of the Prophet) also did not do that and they are the most beloved people to the Prophet (peace be upon him). They are the people who care more to follow the Sunnah. Had doing so been a good thing, they would have preceded us to it. Allah is the One whose Help is sought. There is neither might nor power except with Allah! May peace and blessings of Allah be upon our Prophet Muhammad, his family, and Companions!

Ruling on listening to emotional songs

A Female from Iraq asks: "I perform religious duties such as Salah (Prayer), Sawm (Fasting) and reciting the Qur'an sincerely yet I listen to emotional and imaginary songs that do not mention wine or other similar prohibitions, is this permissible? May Allah benefit us and you!

(Part No. 21; Page No. 171)

A: We advise you not to listen to songs at all as they are evil and greatly spoil the hearts. We advise you to listen to the Qur'an radio station as it is a source of great goodness. This station broadcasts also "Nour `Ala-Addarb" program and other useful programs. Regarding listening to songs, you have to guard yourself against listening to them as they are a great source of evil. Allah (Glorified be He) says: ﴾And of mankind is he who purchases idle talks (i.e. music, singing, etc.) to mislead (men) from the Path of Allâh﴿ Most scholars were of the view that idle talk is singing. 'Abdullah ibn Mas`ud (may Allah be pleased with him) said: "Listening to songs spreads the seeds of hypocrisy in hearts as water makes vegetables grow."

'Abdullah ibn Mas`ud (may Allah be pleased with him) is one of the Sahabah (Companions of the Prophet) and one of their scholars. It was authentically reported that the Prophet (peace be upon him) said: ﴾Verily, among my Ummah (nation) there will be people who will deem as lawful: Hir (illegal sexual intercourse), silk, Khamr (alcohol) and musical instruments.﴿ He (peace be upon him) informs us that at the end of the time there will be some people who deem as lawful musical instruments and songs.

May Allah protect us, you and all Muslims from its evil and keep all Muslims firm on guidance! He is All-Hearer, Ever Near (to all things).

(Part No. 21; Page No. 172)

Ruling on unlawful matters that happen on wedding days

Q: You have mentioned that making clothes long is prohibited for men and that the same ruling would be for women if they do that out of boasting. What is the ruling on a wedding dress that extends for 3 meters behind a bride? What is the ruling on the money paid to female singers in weddings?

A: Regarding women, the Sunnah is to let their clothes down their feet with one span long, but not more than a cubit for the sake of covering themselves and their feet. It is not permissible for the bride to trail clothes more one cubit as this is considered wasting money in expensive prices. They should buy moderate priced clothes and there is no need to stud it with things that waste great money that better be used in things that benefit the Ummah (nation based on one creed) in worldly and religiously matters.

Regarding the female singers, it is not permissible to bring them and pay much money except for a female singer who sings simple normal songs at

(Part No. 21; Page No. 173)

night to show happiness and pleasure at the presence of women only. Singing and beating the Duff (a tambourine-like instrument without bells) at weddings is permissible or might be desirable if it does not lead to some thing evil but to be done among women especially in some part of the night and ends without staying up and not using microphones. It should be done by singing usual songs that praise the bride, bridegroom and their families in truth or using words that contain no evil and that should be done among women only without the presence of men and without microphones.

That was done at the age of the Prophet (peace be upon him) and the Sahabah. Boasting with bringing female singers, spending much money on them and using microphones is Munkar (that which is unacceptable or disapproved of by Islamic law and Muslims of sound intellect). Doing that causes harm to people and makes them stay up most of the night, and thus, miss Fajr (Dawn) Prayer which is a great Munkar that should be removed.

Advice for women who listen to songs

Q: Some women listen to singing, would Your Eminence advise us about that?

(Part No. 21; Page No. 174)

A: I advise all men and women not to listen to singing. Songs spread great evil. People were afflicted by that through radio, television and many other means as tapes. Muslim men and women should guard themselves against that evil. They should, instead of songs, listen to Qur'an, the Hadiths of the Prophet (peace be upon him), and the speeches of scholars in religious forums and programs in order to get benefit in this world and the Hereafter.

Songs lead to great evils and may cause Muslim men and women to be lead astray from their religion and might plant the seeds of hypocrisy in their hearts and make them hate what is good and love what is bad. Hypocrisy leads to hating the good, loving the bad and being Muslim apparently while there is no Islam in heart. Hypocrisy is very dangerous and it is called for by songs. The one used to listen to songs might hate the Qur'an, useful advice and the Prophet's Hadiths. Listening to songs might lead a person to love obscenity and corruption and increase in him the desire for obscenity and a longing to talk to obscene people. Believing men and women should take care of this evil. Allah (Glorified and Exalted be He) says in His Great Book: ﴾And of mankind is he who purchases idle talks (i.e. music, singing, etc.) to mislead (men) from the Path of Allâh without knowledge, and takes it (the Path of Allâh, or the Verses of the Qur'ân) by way of mockery. For such there will be a humiliating torment (in the Hell-fire).﴿ ﴾And when Our Verses (of the Qur'ân) are recited to such a one, he turns away in pride, as if he heard them not - as if there were deafness in his ear. So announce to him a painful torment.﴿

(Part No. 21; Page No. 175)

Most Mufassirs (exegetes of the Qur'an) are of the view that "idle talk" means singing and every prohibited sound such as musical instruments and pipes.

`Abdullah ibn Mas`ud (may Allah be pleased with him) swore that idle talk is singing. He said: "Singing plants the seeds of hypocrisy in hearts as water nurtures plants." Singing makes one hate what is good, love what is bad, hate to listen to Qur'an, Dhikr (Remembrance of Allah) and the like. Loving songs and musical instruments is a kind of hypocrisy.

Hypocrites declare apparently they are Muslims and that they hate falsehood, but in fact they are not. They also pretend to love the Qur'an but in fact they do not. Songs calls to hate the Qur'an and hate listening to it. They require hating listening to sermons and hating inviting to Allah. They incite people to love impudence, falsehood, obscenity, dissolution and the like that are caused by singing. It makes also hearts deviate from the truth and love what Allah forbids and hate what Allah (Glorified be He) commands. Anyone who does that or knows those who listen to songs and their status will inevitably come to know their deviation and corruption because of their love to singing. There is neither might nor power except with Allah!

Prohibition of free intermixing (of men and women) in parties and treatment through music

Q 64: What is the ruling on holding farewell parties where free intermixing takes place? What is the ruling on treatment using music?

A: Parties should be free from any intermixing of men and women. There should be separate parties for men and separate parties for women. Free intermixing is an evil thing and was one of the habits of Jahiliyyah (pre-Islamic time of ignorance). May Allah safeguard us against all these things!

Regarding therapy by music, there is no ground for that act. It is the act of foolish people. Music is not a type of therapy; on the contrary it is a disease and is considered as a tool of idle talk. It makes hearts sick and leads them astray. It is only useful to be treated by listening to the Holy Qur'an, good sermons and Hadiths that comfort people. Treatment through music and musical instruments makes people get used to falsehood, increase their illness and make them burdened by listening to the Qur'an, Sunnah and good sermons. There is neither might nor power except with Allah!

Q 65: Is free intermixing (of men and women) in weddings permissible? What is the ruling on men's dancing with a Mahram (spouse or unmarriageable relative) and non-Mahram (not a spouse or an unmarriageable relative) women? Moreover, if men are alone, will there be any problem?

A: It is permissible in marriage to declare and announce it by using Duff (a tambourine-like instrument without bells) from the part of women. But free intermixing is is not permissible if they are non-Mahrams. This is a Munkar (that which is unacceptable or disapproved of by Islamic law and Muslims of sound intellect) that should be removed. If some male Mahrams stay with their aunts or sisters, it is permissible but he should not dance with them as that may lead to mischief. This is also a kind of unmanliness that should not be done by a man. Moreover, doing so may lead also to great evils. Doing so is permissible only for women. It should not also be done in the presence of men as this may lead to bad thinking and arouse suspicion about this man or women who play with their brothers, aunts or uncles. Man is in danger as the devil usually calls him for obscenity. It is not liable for a man to dance with his sisters or aunts, he should keep away from that. As for dancing with non-Mahrams, it is undoubtedly a great sin and Munkar. May Allah safeguard us against all these things! Rather, it is permissible for men, if they are alone, to celebrate marriage with swords, javelin throwing and narrating poetry. Moreover, beating drums or the like and unlawful songs are not permissible.

Permissibility of women's beating the Duff during weddings

Q: What is the Duff (a tambourine-like instrument without bells)? Is it permissible for women to use Duff and sing on any occasion other than weddings? What is the drum and is it permissible to use it in weddings or other occasions?

A: Scholars mentioned that Duff is a tambourine that has two faces; one face covered and the second face is open. It is used by women in weddings. This is permissible in weddings as it is a way of announcing wedding. Women may sing usual songs with the Duff by which they praise the bride, bridegroom and their families or the like. But using drum and evil songs that praise wine or adultery is a Munkar (that which is unacceptable or disapproved of by Islamic law and Muslims of sound intellect) even if it was done by women. It is only permissible for women to sing usual songs that praise the bride's and the bridegroom's family as this what was done during the lifetime of the Prophet (peace be upon him). Free intermixing (of men and women) is not permissible at all. Beating Duff and singing should only be done among women. It is also permissible for young girls to use the Duff in `Eids (Festivals) as the Prophet (peace be upon him) let them do that in the house of `Aishah, but it is not permissible to use the drum as it leads to more evil and temptation.

Putting water on the grave of the first wife on the wedding night with the second is Bid`ah

Q: In our village, when a wife dies and her husband marries a new one, they go to her grave on the wedding day and pour water on her grave, what is the ruling on that?

A: There is no ground for that and it is Bid`ah (innovation in religion).

(Part No. 21; Page No. 180)

(Part No. 21; Page No. 181)

The book of living with women

(Part No. 21; Page No. 182)

(Part No. 21; Page No. 183)

Obedience shoulonly be in good

Q: I have a husband and I traveled to Hajj without his consent and he says that he will not forgive me for that or give me consent but I like to make Hajj, so what should I do; obey my husband or perform Hajj?

A: If that Hajj is obligatory, then you have to carry out Allah's Command; the obligatory Hajj if you are able to do it even if the husband does not agree. Regarding the superegatory Hajj, do not perform it without his permission. You should not travel or leave your home without his permission. Regarding the obligatory Hajj, you should not obey anyone in disobeying Allah, obedience should only be in good things. So if you can perform Hajj, do that.

The Obligation Of Obeying husbands in whatever is not sinful

Q: I'm married and my husband refuses to let me take contraceptives as he does not suffer from the pain I suffer. I have taken contraceptives without his knowledge, is this permissible? My husbands says that it is enough that I breast feed my baby to prevent me from getting pregnant again.

(Part No. 21; Page No. 184)

I intended not to take contraceptives after Hajj, so what shall I do?

A: If it is possible not to take contraceptives, that would be better. But if you will be greatly hurt and burdened, then it would be permissible to take them otherwise, it would be better not to use them. Obeying your husband is a must unless the hurt is great. Allah (may He be Praised) says: ﴾So keep your duty to Allâh and fear Him as much as you can﴿

70- It is not permissible to wear clothes which shows the skin

Your Eminence Shaykh `Abdul-`Aziz ibn `Abdullah ibn Baz; may Allah protect you!

As-salamu `Alaykum warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you!). To proceed:

I am a married woman. Sometimes I wear light clothes which may describe the skin of my body or may be too short that they show my thighs when I sit. I wear these clothes because I find it easy to do home chores while wearing them. Sometime I wear them because of hot weather or to look attractive for my husband. But my husband advised me not to wear these clothes in front of our children. My children's ages range between three and nine years old. He fears that the children may remember their mother's appearance in these clothes when they grow up. I did not accept his advice

(Part No. 21; Page No. 185)

on the basis that our children are still young. They are too young to be tempted by these clothes.

This issue occupies my mind and I would like to please my Lord and not to displease Him. I wrote to you hoping you will tell me about the legal ruling on this issue and give me advice. As-salamu `Alaykum warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you!).

A: Peace be upon you.

It is not permissible to wear these light clothes which describes the `Awrah even if there is no one with you, likewise, the mini or micro clothes. It was authentically reported from the Prophet (peace be upon him) that he prohibited this and said: (Allah is more entitled than people that bashfulness should be shown to him.)

May Allah grant us success! As-salamu `Alaykum warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you!).

The General Mufti of the Kingdom of Saudi Arabia

(Part No. 21; Page No. 186)

Practicing anal sex with wives is a grave sin

What is the ruling on a husband having anal sex with his wife? If the husband and wife did that several times, would the woman be considered divorced? If both of them repented, what would be the ruling then? May Allah reward you!

A: Having sexual intercourse with wife in her anus is one of the great deadly sins, as it contradicts Allah's saying: (Your wives are a tilth for you, so go to your tilth, when or how you will) The place of tilth is the front private part. The Prophet (peace and blessings be upon him) said: (He who has sexual intercourse with his wife through her anus is accursed.) Yet, anyone who repents, Allah will accept his repentance. By doing this act, a woman is not divorced but both of the husband and the wife have to sincerely repent. Allah (Glorified and Exalted be He) says: (And all of you beg Allâh to forgive you all, O believers, that you may be successful) The Prophet (peace and blessings be upon him) said: (Repentance wipes out all the previous misdeeds.) The Prophet (peace and blessings be upon him)

(Part No. 21; Page No. 187)

said: (He who repents from his sins is like the one who did not commit a sin.) May Allah grant us success!

Being intimate with a menstruating woman without having sexual intercourse

Q 72: There is a menstruating woman whose husband wants to be intimate with her, but she fears that he might have sexual intercourse, which is banned in this case, so she keeps away from him while she is in her menses. Is she considered Nashiz (a recalcitrant spouse)?

A: The Prophet (peace be upon him) said, (Do everything except intercourse with a menstruating woman.) He may sleep with her and kiss her, but should not have sexual intercourse with her. If she knows that he may tolerate it, there is no harm to keep away from him to avoid the abominable act; otherwise, there is no harm in being intimate according to the saying of the Prophet (peace be upon him), (Do everything except sexual intercourse.)

Is it permissible for a man to take some drugs that alleviate his sexual desire

Q 73: Is it permissible for a man to take medicine that reduces sexual desires?

A: There is nothing wrong with that but it is impermissible for him to take medicine that stops sexual desires but there is no harm to take things that reduce it, because of the evident benefit. The Prophet (peace be upon him) told that Sawm (fasting) reduces desire, he (peace be upon him) said: (O young people! Whoever among you is able to marry, should marry, for marriage would help him lower his gaze and keep his virtuousness and whoever is not able to marry, is recommended to fast, for fasting would diminish his sexual desire.)

The permissibility of a husband forcing his working wife to stay at home

Q 74: I am a teacher and I have married a teacher four years ago. We have had a child and during this period, we have lived in troubles because of her family, relatives and friends. I see no way out

(Part No. 21; Page No. 189)

except preventing her from work; is it permissible for me to do so?

A: It is permissible for you to prevent your wife from work and to tell her to stay at home to raise your children and take care of your matters. She has no right to work outside the home except with your permission and satisfaction if she takes care of the household because you are her guardian as mentioned in Surah Al-Nisa': ﴾Men are the protectors and maintainers of women, because Allâh has made one of them to excel the other, and because they spend (to support them) from their means.﴿

It is better for a woman to

work at her home

Q If a woman wears Hijab, can her husband or her guardian enforce her to bring firewood from the valley? And to bring water, take care of sheep, help him in cultivation and all cultivation-related activities while she wears Hijjab or is it better for him to keep her at home and to take care of her by bringing what she needs to her while staying at home?

(Part No. 21; Page No. 190)

A: If women of the same rank do the same work, then it is permissible to do that if she wears Hijjab. The Emigrant And Ansari women May Allah be pleased with them, helped their husbands in some jobs which they could and these women are the best examples in every good thing. It is better for a man to do anything outside the home and for a woman to do things inside the home if it is possible. This matter differs according to the people's customs. It is a must to consider Islamic limits in all matters. Any custom that differs with our pure Shari'ah, should be rejected. May Allah guide all the people to comprehend religion and to fix their feet upon that path. Allah is the all Bountiful the All-Generous.

The President of the Islamic University

The ruling on using contraceptive means for birth planning

Q: My wife used a means of birth control, as she was burdened with successive pregnancy for several years. She intends to use it for 5 years and then abandons it, knowing that she gave birth to four children; the eldest of them is four and a half years old. What is your advice? May Allah reward you!

A: It is permissible to use birth planning means to be protected from harm. That might be done during the fostering period in the first or second year, so that successive pregnancy would not harm her and that she would be able to raise the children in an Islamic way. So there is no blame to use some contraceptive means for birth planning, if she suffers from successive pregnancy. This control may last for one or two years during the lactation period. The Prophet (peace and blessings be upon him) urged people to give birth as much as possible, as he will be proud of that on the Day of Resurrection. He (peace and blessings be upon him) said: ﴾Marry women who are loving and prolific, for I shall outnumber the peoples by you.﴿

It is better not to perform

artificial insemination

Q 77: My wife had four children, but for the past four years she has been unable to have more. The doctors agreed that she has to have artificial insemination for conception. This operation is not performed in our public hospitals, but only in Jaddah. She refused to have the operation. What is the ruling on this?

A: Artificial insemination is permitted by some contemporary scholars under certain conditions, to avoid any violations of the limits set by Allah (Glorified and Exalted be He). However, I am still undecided on this point and I recommend that it is better not to do it, because it might open the door to endless evil. If she can have no more children, you already have four children, praise be to Allah. You can also marry a second, third or fourth wife if you want to have more children, so it is better not to perform this operation.

Using

contraceptive pills

From `Abdul-`Aziz ibn `Abdullah ibn Baz to the honorable brother M.`A.Q., may Allah grant him success! Amen.

As-salamu `alaykum warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you!)

Dear brother, I have received your letter on Ramadan 23, 1388 A.H. You ask if it is permissible to use contraceptive pills.

Answer : This question is subject to further explanation; if they are used for family control, this is Haram (prohibited). But if you use them for an accidental matter such as the sickness of wife, or fear of harm in case of pregnancy, or delaying pregnancy until the baby is weaned, this is permissible, since this is a temporary case and this permissibility is contingent on the existence of the cause. As for the case in your question, namely, the wife is not able to take good care of bringing up the children; this case does not permit using contraceptives. You could guide and help your wife, as much as you can,

to carry out successfully her duties towards her children and to practice patience with them. If you can afford a maid to help the wife in the housekeeping tasks and bringing up the children, this is good.

It is well known that the woman is a weak creature whom the Messenger (peace be upon him) recommended to treat her well. He (peace be upon him) said: ﴿Treat women kindly; they are like prisoners in your hands.﴾ In another Hadith, he (peace be upon him) described her: ﴿Women are created from a curved rib; if you attempt to straighten them, you will break them and breaking them is divorcing them.﴾ I advise the questioner to wait for the reward of Allah and direct her and be patient with her; this will affect her in the near future in sha'a-Allah (if Allah wills).

You should bear in mind that the Messenger (peace be upon him) urged and encouraged procreation and said: ﴿Marry women who are loving and prolific, for I shall outnumber the people by you on the Day of Resurrection.﴾

Undoubtedly, when the child of Adam ﴿dies, his acts come to an end but for three: recurring Sadaqah (voluntary charity), or knowledge (by which people) benefit, or a pious child, who prays for him (for the deceased).﴾

The Messenger (peace be upon him) told us so and you will in sha'a-Allah get a pious one among your children whom so many people like to have and whom you are fed up with. Do not let the satanic ideas find a way to your heart. Ask Allah to bring them up in a good manner and do your best to bring them up in the righteous Islamic disciplines. There is nothing wrong with using contraceptives between each two children as far as the need for bringing up the child is concerned, for this serves an apparent interest.

May Allah guide you, me and all our Muslim brothers to what pleases Him and grant us useful knowledge! He is the best One asked for help. As-salamu `alaykum warahmatullah wabarakatuh

Deputy chairman of the Islamic University in Madinah

`Abdul `Aziz ibn `Abdullah ibn Baz

Q: What is the ruling on taking contraceptive pills temporarily

A: There is nothing wrong with that when necessary, on condition that the couple agree and no harm will result thereof.

If necessary, it is permissible to take contraceptive pills

Q 80: A Muslim sister says: I have five children but I suffer much during labor and delivery of each child. I went to a hospital in the Kingdom and found no treatment but using contraceptive pills. As I observe Salah (Prayer) and Sawm (Fast) and fear lest I should be blamed for this, I ask for your Fatwa (legal opinion issued by a qualified Muslim scholar) in this regard. May Allah reward you with the best!

A: It is permissible, if necessary, to take contraceptives temporarily, if pregnancy or labor operation may result in harm or injure the womb,

(Part No. 21; Page No. 197)

there is nothing wrong with taking contraceptives for a period of time, such as one or two years of breastfeeding, until the womb has a rest. This needs consulting the physicians and having the consent of the husband. If you agree and there is harm, you could take the contraceptives for a limited period until the harm disappears.

The ruling on hysterectomy for contraception

What is the ruling on hysterectomy to prevent conception for current or future medical causes expected by medical and scientific bodies?

Answer: If there is a necessity, it is permissible; otherwise, it is impermissible. The Law-Giver (Allah /the Prophet) calls for giving birth as much as possible and encourages its causes to multiply the population of the nation. However, if there is a necessity [for birth control], it is permissible and it is permissible to take temporary means of contraception to obtain the legal benefits.

(Part No. 21; Page No. 198)

82-

Permissibility of tubal ligation when necessary

Your Eminence Shaykh `Abdul `Aziz ibn `Abdullah ibn Baz, Mufty of the Kingdom of Saudi Arabia, may Allah safeguard him!

As-salamu `alaykum warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you!)

I am a married woman and suffer diabetes and hypertension. I suffer much each time I give birth, because I undergo caesarean section. Therefore, physicians decided to carryout a tubal ligation operation on Saturday, 11 Dhul-Qi`dah, 1419 A.H. My husband agreed that I perform the operation, but the hospital administration asked me to bring a Fatwa (legal opinion issued by a qualified Muslim scholar) from Your Eminence before conducting the operation.

I hope Your Eminence could answer my question as soon as possible. May Allah reward you with Jannah (Paradise) and guide you to every good in this worldly life and in the Hereafter!

(Part No. 21; Page No. 199)

A: Wa `alaykum as-salamu warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you!)

If the case is as you mentioned in the question, there is nothing wrong with your performing tubal ligation. The Prophet (peace be upon him) said: ("There should be neither harming nor reciprocating harm.") May Allah guide all to what pleases Him! As-salamu `alaykum warahmatullah wabarakatuh

General Mufty of the Kingdom of Saudi Arabia

`Abdul `Aziz ibn `Abdullah ibn Baz

83- The ruling on a Nashiz wife

From `Abdul-`Aziz ibn `Abdullah ibn Baz to his honorable brother and shaykh, the judge of Khaybar court, may Allah guide him to all goodness. Amen.

As-salamu `alaykum warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you.) I received your gracious letter dated 3/4/1389 A.H., which included an inquiry about the permissibility of shortening and combining Salah (Prayer) for one who travels often from the kingdom of Saudi Arabia or inside the cities of the kingdom for a distance that allows combining and shortening Salah, such as drivers and sales representatives.

A: Those people take the same ruling as travelers; it is prescribed for them to shorten Salah, and are permissible to combine Salah according to the Jumhur (dominant majority of scholars) due to the general evidence of Shari`ah (Islamic law) and there is no evidence that indicates otherwise. As for the saying of some Fuqaha' (Muslim jurists) that a tenant who is accompanied by his family and does not intend to stay in a certain town is not allowed to use the Rukhsahs (concessions) of traveling,

it is a weak opinion that is not authenticated in Shari`ah as indicated by Abu Muhammad ibn Qudamah (may Allah be merciful with him) in his book "Al-Mughny".

You also inquired about depriving a Nashiz (a recalcitrant spouse) from her rights in Nafaqah (obligatory financial support), clothing and housing until she returns to be obedient to her husband again, and whether this has a maximum period of time, after which the spouses may be separated with Khul` (divorce initiated by a wife for a consideration), if the woman does not return to her husband.

A: There is no doubt that a Nashiz woman does not deserve Nafaqah from her husband until she obeys him, if she has been wrongfully Nashiz. The issue of time is settled by the ruler. However, some judges deprive a Nashiz of her Nafaqah and keep her with her husband by force for many years, but there is no grounds for this in Shari`ah, and it is unjust to her. Her Nushuz (the state when one spouse violates the marital duties) might have reasons, such as her hatred for her husband, her aversion to live with him, his harsh treatment of her, and the like.

In such a case, the causes of Nushuz should be explored and mediated. If this is not possible, two arbitrators should be assigned to them according to Allah's saying (Glorified be He), ﴾If you fear a breach between them twain (the man and his wife), appoint (two) arbitrators, one from his family and the other from hers﴿

(Part No. 21; Page No. 202)

The truth is that they are just two arbitrators who do their best to judge whether to separate the spouses or not, but they are not authorized to do anything on their behalf, because Allah (Exalted be He) called them arbitrators, not proxies, and because the aim is to solve the dispute between them. This can only take place if they are arbitrators. If the arbitrators stop, the ruler may decide to delay the issue for some time or hasten to separate them, whether in return for a compensation or not, according to the saying of the Prophet (peace be upon him) to the wife of Thabit ibn Qays, ﴾"Would you return him his garden?" She said, "Yes." He (peace be upon him) said to Thabit, "Take the garden and divorce her once."﴿ Related by Al-Bukhari in his Sahih (authentic) Book of Hadith. The Prophet (peace be upon him) did not give him the choice whether to divorce her or not, but he ordered him to divorce her, and the imperative mode originally denotes obligation. If a person says otherwise; they should provide evidence and there is no evidence that supports otherwise as far as we know.

However, locking a woman away for many years and depriving her of Nafaqah and from the joys of life because she cannot tolerate her husband anymore entails great evil, and harms both her and her husband. Both spouses have certain rights. If a husband is obliged to live with his wife even though he hates her, I do not think he will accept that. Being just when giving people their rights is a duty upon the ruler;

(Part No. 21; Page No. 203)

he should also investigate the cases presented to him and do his best to end the hostility, so that people's rights are preserved; blood, money and honor are saved; and everyone knows their limits.

May Allah guide everyone to what pleases Him, benefits His Servants, and apply His orders! He is the Best One asked for help. As-salamu `alaykum warahmatullah wabarakatuh.

President of the Islamic University in Madinah

It is obligatory not to abort the baby

Q 84: Dear Shaykh, a pregnant woman was in her sixth month. Her doctor advised her to abort her baby; otherwise he will die soon or shall be disabled after birth. Moreover, the head of the baby is very big; what is your opinion on this?

A: It is obligatory not to abort the baby. She should put her trust in Allah and the end will be good, in sha' Allah.

The General Mufty of the Kingdom of Saudi Arabia

`Abdul-`Aziz ibn `Abdullah ibn Baz

The child is for the husband

Q 85: A married woman from Scotland has three children but she is now pregnant after committing Zina (adultery). Is it permissible for her to undergo abortion or not? If she decides to keep the pregnancy, should she tell her husband? What should her husband do in that case? Please, advise, as we have no idea what to do. May Allah reward you with the best!

A: It is impermissible to abort the fetus; she should perform Tawbah (repentance to Allah) and tell no one of her case. The child is attributed to her husband according to the saying of the Prophet (peace be upon him), ﴾The child is for the bed (i.e. for the owner of the bed i.e. husband) and the adulterer shall have nothing but stone.﴿ May Allah reform the affairs of everyone!

Grand Mufty of the Kingdom of Saudi Arabia

`Abdul-`Aziz ibn `Abdullah ibn Baz

An illegitimate child is attributed to his mother

Q 86: Dear Shaykh, a Muslim man wants to marry a Christian woman. He had an affair with her without concluding a marriage contract, and she is now pregnant. What should he do in detail? May Allah reward you! This issue is recurrent in foreign countries. There is neither might nor power except with Allah!

A: If both of them have performed Tawbah (repentance to Allah), there is no harm in marrying her after she gives birth to the child. However, the child is attributed to the mother, not to the father, for it is an illegitimate child. If they have not performed Tawbah, it is impermissible for them to get married. May Allah grant both of them sincere Tawbah and guide the Christian woman to Islam! He is All-Hearer, Ever Near.

Grand Mufty of the Kingdom of Saudi Arabia

`Abdul-`Aziz ibn `Abdullah ibn Baz

Permissibility of having sexual intercourse with one's wife after concluding the marriage contract

Q 87: A man concluded his marriage contract to a woman, but he had sexual intercourse with her before announcing the marriage. Is this Haram (prohibited)? Is it considered sinful?

A: This is not Haram, but it is better to delay it until the time of consummating the marriage. As long as the marriage contract is concluded and it is publicized, there is no harm in having sexual intercourse with her, but one should rather wait until the time of consummating the marriage.

An Inquiry

Q 88: I have concluded my marriage contract but I could not consummate the marriage due to inability to furnish the marital home. If I enjoyed my wife while she is still in her family's house without having sexual intercourse with her, do I then commit something that is not my right? Please, advise me, may Allah reward you.

A: It is permissible for you to enjoy her in her family's house if they allow you to

(Part No. 21; Page No. 208)

do so, leaving you with her in seclusion. Then, is permissible to enjoy everything with her, including having intercourse and the like. It is not a must to have a separate home to have sexual intercourse with her. Hence, it is permissible to enjoy your wife after making the marriage contract, such as kissing, touching, having intercourse or the like, even if she is at her family's house. Thanks to Allah.

That which is permissible for a husband to have from his wife after a marriage contract

Q: What is permissible for a husband to have from his wife after the marriage contract and before consummating the marriage with her?

A: It is permissible to have what all husband may have from their wives, but it is better to wait until the marriage is consummated. If one needs to visit her and communicate with her, with the permission of her family, for a certain matter, it is permissible. And if they sit in seclusion, with her family's permission, that would be permissible. However, if they both do that secretly, that would incur danger, as she might be pregnant and then people might think ill of her or he might deny that he had sexual intercourse with her, and that would constitute a Fitnah (sedition) and a manifest evil.

(Part No. 21; Page No. 209)

So, one should be patient and abstain from having sexual intercourse with his wife until it is possible to consummate marriage with her. If it be necessary for him to communicate with her, let that be in the presence of her father, mother or brother so as to avoid anything that might lead to a bad ending. May Allah grant us all success.

The ruling on a woman's traveling with her husband before consummating marriage

Q 90: A young man from outside Saudi Arabia has concluded his marriage contract, but he did not consummate the marriage. Is it permissible for him and his wife to travel together to perform `Umrah before the wedding?

A: Yes, it is permissible because she is his wife, Alhamdu lillah [All praise is due to Allah].

(Part No. 21; Page No. 210)

91-

Marital relationships

All praise is due to Allah and peace and blessings be upon the Messenger of Allah, his family, Companions and those who follow his guidance.

We have attended this blessed seminar in which eminent Shaykhs delivered speeches on marital relationships. Scholars' informative words illustrated to people significant points in this important issue, which is worthy of being addressed. Besides, people should be warned against present negligence in this regard and against diminished care for such a relationship, which is still tackled properly only by those whom Allah wills. Thus, the Shaykhs explained many aspects in this relationship which requires much care from the spouses and also from their relatives, those around them and those who communicate with them. They should have their share in encouraging and urging adherence to an upright (marital) relationship and in warning against illicit relationships. Shaykhs also illustrated that this is a truly blessed seminar and that it is useful and that the words given during it are worthy of being published and broadcasted among the society through audio, visual and written media. They should also be published in a special booklet that is to be edited by their eminence,

(Part No. 21; Page No. 211)

the three Shaykhs. They should revise, print and distribute it among people because this issue is important and there is dire a need to enlighten people on this great relationship. For, such a relationship is liable to break off soon because of the deviation of husbands and wives from the right path and their non-observance of the ordinances of Allah. Here, the Shaykhs explained that the conclusive issue is that: each one of the spouses should properly fulfill their duties and keep to the proper manners; that the husband should have his rights and the wife should have her rights, and each one of them should fulfill their duties in the best possible way through good manners, nice ways and proper means. If each one fulfills their due rights, conditions will become better and the house will be one of the gardens of Paradise. Such a relationship is to be established on three Ayahs (Qur'anic verses), if a believer acts upon them, all affairs will be better and all that is good will entail.

The first Ayah is Allah's (Glorified and Exalted be He) saying: ﴾and live with them honourably.﴿

The second Ayah is: Allah's (Glorified and Exalted be He) saying: ﴾And they (women) have rights (over their husbands as regards living expenses) similar (to those of their husbands) over them (as regards obedience and respect) to what is reasonable, but men have a degree (of responsibility) over them.﴿

The third Ayah is: Allah's (Glorified and Exalted be He) saying: ﴾As to those women on whose part you see ill-conduct, admonish them (first), (next), refuse to share their beds, (and last) beat them (lightly, if it is useful); but if they return to obedience, seek not against them means (of annoyance). Surely, Allâh is Ever Most High, Most Great.﴿

(Part No. 21; Page No. 212)

These three Ayahs have regulated the relationship between the spouses. So, it is obligatory upon them to fulfill their duties. However, there is a fourth Ayah which should carefully be remembered and applied as is indicated by the Shaykhs. Such an Ayah is that in which Allah's (Glorified and Exalted be He) says: ﴾Men are the protectors and maintainers of women, because Allâh has made one of them to excel the other, and because they spend (to support them) from their means.﴿

Hence, a husband should recognize his duties and know that he is protector and maintainer of his wife, while a wife should recognize her rights and know that she is maintained and protected by her husband. Besides, a husband should be just, upright, good, and seek the truth in treating his wife. Likewise, a wife should listen and obey, fulfill her duties and know that her husband has a degree (of responsibility) over her. So, she has to take care and live with him in a nice manner as he does to her. She must know that he is given priority because of his having responsibility for her (i.e. spending on her). When a husband fulfils his duties justly; providing for her, observing justice (even) when he is angry, treating her kindly and maintaining his responsibility for her regarding both religious and worldly matters, and she likewise fulfills her duties by listening to and obeying him, treating him kindly, fulfilling his needs, properly taking care

(Part No. 21; Page No. 213)

of his house and children and the like; their affairs will change to the better, their relationship will improve and each will be a tutor, a guide and support for the other partner in fulfilling what avails in this world and in the Hereafter. Hence, a husband takes care and a wife takes care too. He thus follows Allah's Ordinances regarding himself, his children and his wife's interests and needs, and his wife also takes care of his needs, listens to and obeys him, treats him kindly and fulfills his needs, and does the same towards her children and house. All these are great issues that have been illustrated by the reverend Shaykhs.

Among the concerns which cause much of evil between the spouses in the present time due to many reasons are: The husband's nonexistence in the house, and his frequent late-coming or even spending the whole night outside, leaving his wife alone or with her children only. When he comes home tired and exhausted due to whatever has happened outside the house, such as committing sins, drinking wine or other forbidden actions, he directly goes to bed, missing Salah (prayer), neglecting the right of his wife and wasting everything just to have some sleep. This means that such is a perilous attitude and however many people frequently assume it. It is one of the greatest reasons of a wife's hatred towards her husband and one of the greatest reasons behind rupture in the relation and thus separation.

(Part No. 21; Page No. 214)

The same applies when the wife goes out, neglecting the house and children and heading for the markets or neighbors or the like, paying no heed to her husband. This is also one of the reasons of corruption, difference and disagreement. In brief, it is obligatory on both of them that they fear Allah, advise one another, and help one another in righteousness and piety, and that each one fulfills their duties, with the husband treating his wife kindly, being good to her and fulfilling her needs without excessiveness or negligence, and the wife doing what is necessary. Allah (Glorified and Exalted be He) will then help them if they be truthful and if they both seek to achieve good and show sincerity to Allah in this matter. Hence, Almighty Allah will indeed help them and facilitate things for them. Yet, if either party cares only for their rights and seeks only their own interests, without caring for the interest of the other party, this will cause rivalry and endless problems, which will lead to separation.

May Allah grant all the people success and guidance. And may He reward those scholars for this seminar because it is useful and fully enlightening. We ask Allah to make the audience benefit from it and to benefit others too because the speeches are worthy of being circulated and published in order to benefit as many people as possible, through Allah's (Glorified and Exalted be He) Guidance. Evil consequences and problems erupt only because we have turned away from our religion in every aspect of life. Besides, what has afflicted people is only because of their turning away from the Religion of Allah and neglecting knowledge

in religious matters, either regarding marital relations or other issues. Nowadays, many husbands neglect Salah, and their wives complain about their conditions, regarding missing Salah and drinking wine, and thus returning home drunk and losing their minds. Those husbands disregard Salah and Sawm (fasting), and since their wives be righteous women they see nothing in their husbands but wickedness, they decide to leave them and go to their parents. On the other hand, the husbands may be good, while the wife is not, neglecting Salah and lacking morals. So, those husbands need to discipline and guide her. And when the efforts husbands exert bear no fruit, and they fail to mend their wives, the marriage ends with separation between them because either the husband or the wife persist in their wicked behavior. There are only a few people who discipline others in good ways and who can cultivate, guide and intervene in the affairs of others in a fair way. That is why problems mostly erupt, divorces increase and the conditions between spouses become worse, in both religious and worldly issues. We ask Allah to grant us all guidance and success. On the other hand, the greatest means of righteousness and improvement are acquiring religious knowledge and turning to Allah and asking Him (Glorified and Exalted be He) for guidance. The Prophet (peace be upon him) said: ﴾If Allah wants to do good to a person, He makes him comprehend the religion (religious matters).﴿ So, acquiring knowledge as regards the religion of Allah and meaning

well and observing fairness are among the greatest causes of betterment of the husband, the wife and the entire family, and also retraction of Satan. Hence, we commend everyone to acquire knowledge in religion through listening to religious sermons in the radio and other means of mass media, listening to useful scientific episodes and listening to the Glorious Qur'an through the Qur'an Radio Station. This is because listening to the Glorious Qur'an has great benefits. So, we recommend everyone to attentively listen to the Glorious Qur'an and derive benefit from it in suitable times, and benefit from the Hadiths which are broadcasted in the Qur'an Radio Station and other stations and also benefit from the religious sessions. Thus, a person may instruct his wife to listen to useful material, give her informative booklets if she is fond of reading, and talk to her in all aspects of good in suitable times in order that she gets benefit and thus receives great reward. Likewise, the husband shall have the same reward if Allah grants her guidance at the hands of that husband.

May Allah grant us all success, guide us to His Right Path. May He also grant the Shaykhs good for that seminar, multiply their reward and increase us and you in knowledge, guidance and success. May Allah's Peace and Blessings be upon our Prophet (peace be upon him), his family and his Companions!

(Part No. 21; Page No. 217)

Overcharged dowries are the cause of marriage delay

Q 92 : What is your opinion about overcharged dowries that render a young man unable to marry or afford the expenses of marriage?

A: There is no doubt that extravagance in dowries is one of the major causes of marriage delay and failure of many youth to have a wife, which considerably affects the issue of matrimony. Truly, the delay of marriage for youth causes many problems. So, it is obligatory to give much care to this issue. Hence, a person should carefully avoid boasting or be ostentation in demanding dowries, giving banquets, etc., because boasting and ostentation in such matters harm everyone and cause many problems. My advice to all Muslims is to make such things easy and to reduce its expenses as much as possible, and also to reduce the expenses of Walimahs (wedding banquets) and not to lavishly spend on it. For, though people now enjoy welfare, still it is difficult for people to prepare such banquets. Therefore, dear brother do not hold a large Walimah, but rather limit it to moderate things which suffice in observing

(Part No. 21; Page No. 218)

the Sunnah, without exerting yourself or bothering others, who are in no need to attend the ceremony. Thus, if a person slaughters one, two or three animals for the wedding banquet, it will be sufficient and rewarding. Likewise, this applies in womanly issues and things related to marriage declaration, invitation of many women, announcing marriage through loudspeakers and staying up all night long. For these things lead to manifest evil and serious corruption. So, frugality involves great benefit, and it involves facilitating marriage, getting many youth married, increasing birthrates and enhancing benefits. Perhaps the state might be guided to something that entails great benefit for the Ummah through increasing marriages and eliminating adultery by instructing people to assume frugality as regards dowries and to avoid excessiveness. We ask Allah to guide the government, Muslim rulers, scholars as well as all common Muslims to things which benefit them and their society and which avail the poor and weak among them. We also ask Allah to guide all the people to things which involve their good and their salvation and to help in this life and in the Afterlife.

The virtue of hastening to get married

Q 93: What do you say to youth who cannot marry or afford the expenses of marriage?

A: Firstly, they have to fear Allah and beware of evil temptations lest a person might indulge in illicit relationships. Besides, they should seek help from Allah and to keep their chastity and distance them from promiscuity. They must seek help through observing Sawm (fasting) as is

(Part No. 21; Page No. 219)

ordained by the Prophet (peace be upon him) when he (peace be upon him) said: (O youth, whoever of you can afford marriage should get married, for it lowers the gaze and guard private parts (modesty), and whoever is not able to marry, should fast, as fasting diminishes one's sexual power.) Whoever can afford marriage, should then hasten to get married and their fathers and brethren, as well as other people, should help them. If a person cannot afford marriage or it is not possible for them, they should fear Allah and ask Him for support, beware of the insinuations of Satan who tempts them to indulge in illicit sexual relations, and observe Sawm (fasting) because Sawm helps in this case, as is indicated by the Prophet (peace be upon him). A person should observe Sawm, work hard to obtain the means of chastity and wellbeing through lowering their gazes and maintaining the reasons of preserving their private parts. Surely, Allah will help and guide them and if they show faithfulness and sincerity. Then, He (Exalted be He) will indeed facilitate marriage for them.

There is no Shar`i basis for

specifying the limits of dowries

Q 94: Is it not the right of the state to specify the amounts of dowries when people transgress the limits in this regard? Is it not Shar`i policy

(Part No. 21; Page No. 220)

to do so for the best of the people, since demanding excessively large dowries brings about evil consequences, including the spread of adultery, corruption, and reduction in birthrates and [in turn multiplication] of Muslims? A: There is no Shar`i basis for specifying the limits of dowries. Therefore, in spite of the frequent attempts to do so, the state could not specify the limits of dowries. For, there is no Shar`i grounds either in the Qur'an or in the Sunnah that can support specifying the limits of dowries at about 10,000, 20,000, or 30.000, for instance. And even if such limits are determined, people may still disregard it. So, what should the state do then? Can people be beaten for something that Allah has not forbidden? Should they be jailed for that? The case is quite intricate, because specification is hard to enforce. However, if the people of tribe, a village or a city agree to set limits for the amounts of dowries, there is no harm on them, in sha'a-Allah. As for specifying a certain amount, it is very difficult and it lacks a supporting proof from the Shari`ah so that the State can punish those who transgress such limits. However, if charitable persons, nobles, scholars and leader advise, admonish and cooperate with one another to reduce the amounts of dowries, this will bring about much benefit and facilitation. Yet, with the spread of materialist spirit and prevalence of mundaneness, some people now offer plenty of money as dowry when they want to marry certain girls while others - being not well-off - cannot do the same. Hence springs the germ of evil.

(Part No. 21; Page No. 221)

For, some well-off persons do not care whether they pay much or little, while others do not have the means. In fine, specifying certain limits for the amounts for dowries is a controversial issue, and - as far as I know - it is baseless. It was not known during the time of the Prophet (peace be upon him), the Sahabah (Companions of the Prophet) or the following generation. Rather, dowries were low during the time of the Prophet (peace be upon him). Then, wealth increased during the times of `Umar, and `Uthman and thereafter. So, during the lifetime of the Prophet (peace be upon him), dowries were low and the Prophet (peace be upon him) and his Sahabah did not ask for high dowries. Yet, when welfare prevailed in the times of `Umar and `Uthman, and thereafter, dowries went up. Men began to offer 100,000 or more as dowries. This was in the past. Today, however, with people living in the lap of luxury, they have increased the amounts of dowries. Therefore, it is obligatory on every Muslim to beware of such excess and to observe that which leads to purity and chastity. They should ask Allah for help and assume all possible ways that Allah has made lawful. For, there is a cure for every malady; and as high dowries is a malady, the cure for it comes through advice, guidance and support for the youth to get married by way of subsidies. We ask Allah to guide the State to support the needy, every year, to get married and thus maintain their chastity. We also

ask Allah to support and grant success to the state and to Muslims.

Recommending marriage at an early age

Q 95: Your Eminence, what is your opinion regarding marriage for a youth who is a still a university student but who is also capable of taking such a step? Will this (negatively) affect his educational progress?

A: I recommend marriage at an early age, for it does not have any negative influence on one's studies. Since the lifetime of the Prophet (peace be upon him), the Salaf (righteous predecessors) used to get married while pursuing their studies. Indeed, marriage helps a person to do good deeds and it does not lead students to neglect their lessons. Rather, it helps them lower their gaze, feel contented, have a clear conscience, and refrain from all that Allah has prohibited. If marriage is feasible, I advise everyone to get married, to fear Allah in this regard, and to act according to the following Hadith, (O group of youth! Whoever among you who has the means should get married, for it helps them lower their gaze and guard their modesty)

Permissibility of adopting from the East or West

things of benefit to Muslims while avoiding what may harm

Q 96: Is it permissible for a woman to adorn herself for her husband by using makeup for coloring her cheeks, lips and eyelids? Could you kindly explain, bearing in mind that this kind of makeup is the adornment of

(Part No. 21; Page No. 223)

the western women?

A: It is prescribed by Islam for the woman to adorn herself for her husband using the means legislated and made permissible by Allah. The wife may adorn herself with beautiful clothes and clean herself with soap and such things. Soap beautifies and cleanses the body. If there are permissible cosmetics that do not contain Haram (prohibited) or Najis (impure) components, or something that may harm the face, or have bad side effects, there is nothing wrong with using them. We can take from the East or West the things that will benefit us, but we must avoid the things that will harm us. Anything useful to us from the East or West, we can adopt and utilize such as cars, ships, planes, weapons etc. We can learn from them medicines, cosmetics and other utilities that are beneficial to us, while avoiding resemblance to non-Muslims. We adopt the things that will be of benefit to us and give up that which may cause us harm. It is required from the wife to beautify herself for her husband, but not outside her house in front of non-Mahram men (not a spouse or unmarriageable male relatives); rather, inside her house and for her husband. Allah is the One sought for help!

Marrying Muslim women only is more proper

Q 97: I want to marry a girl that does not completely abide by Islam, as is the case in other Muslim countries. Should I set certain conditions before marriage? And what should such conditions be?

A: What matters is that the girl you are going to marry be a Muslim, worshipping Allah Alone, and not a disbeliever. It is not then a serious problem as long as she is not a disbeliever, since perpetration of sins and the

(Part No. 21; Page No. 224)

like can be redressed, unless she be an unchaste woman. For, then you must not marry her, as Allah made it obligatory to marry a chaste woman; ﴾(Lawful to you in marriage) are chaste women from the believers and chaste women from those who were given the Scripture (Jews and Christians) before your time﴿ Thus, a woman must be chaste. So, if the Muslim woman (your are intending to marry) is chaste, then you can amend her behavior later, in sha'a-Allah. It is also permissible that you make terms with her, such as asking her to remain in his home, to serve you, maintain your due rights, etc. Yet, the most important thing is that she should be a Muslim, as marriage between a Muslim man and a disbelieving woman is invalid. Besides, it is permissible for a Muslim man to marry a chaste woman of the People of the Scripture, whether she be Christian or Jew. However, it is better not to do so and to marry only Muslim women, especially in this age as such women now try to convert their husbands and children to their religions. And as they are now high-handed while many men over indulge them, and this might be danger for the latter. So, a Muslim should choose a good, chaste Muslim woman for a wife, be contented with that and beware of other women.

The condition for marrying a Jew or a Christian woman is that she be chaste

Q 98: The temptation of women has increased, and fornication has become widespread in the U.S.A. Some youth want to marry Christian girls to protect themselves from adultery and perhaps - getting married to them - to invite them to Islam.

(Part No. 21; Page No. 225)

So, Your Eminence, what is your opinion in this regard?

A: There is no harm if one finds a virtuous Jewish or Christian girl, who is known for her chastity; as getting married to such girls is permissible, especially when need be. However, it is better not to travel abroad, and rather to remain in one's country and pursue education there. Praise be to Allah, there is much good in this country [Saudi Arabia] and there are universities and technical institutions. Hence, youth should be contented with pursuing their education in these institutions, as traveling abroad exposes one to manifest corruption and serious evil. So, it is not permissible to travel abroad. Rather, youth should be contented with presence of such local institutions, as they spare them the need to go elsewhere in quest for knowledge. Yet, if it is necessary to travel, it is obligatory that travelling persons fear Allah and take their wives along. However, if there be a need to marry a pious Muslim woman or a chaste Jewess or Christian woman, hopefully there is no harm on condition that she be chaste and pure. In sha'a-Allah, is permissible in such a case to marry such a woman since Allah has made it lawful.

The ruling on a wife's gift to her husband

Q 99: If a man buys his wife gold or silver gifts and - due to necessity - needs to retrieve it later and his wife gives it back to him, should he give her the price of that which he takes from her?

(Part No. 21; Page No. 226)

A: If she gives him her gold and jewelry out of generosity, as a gift, Allah (Glorified and Exalted be He) states about this: ﴿but if they, of their own good pleasure, remit any part of it to you, take it, and enjoy it without fear of any harm (as Allâh has made it lawful).﴾ So, if she approvingly gives it to him, there is no harm. Yet, if she gives it to him as a loan, then he must pay for it whenever he prospers. He must return it back to her, even if she does not ask for it, in appreciation of her favor. Besides, if she gives it to him as a support and not as a loan, it will be more proper and more worthy on his part to return it to her, though he is not required to do so. However, if she gives her jewels to him and, being afraid that it may irritate him or that he may divorce her, does not ask for it, then it is more proper that he gives it back to her when he makes money, even if she does not ask for it. He is thus required to pay her back because she - as is the case with many women - gives it to him for fear that her refusal may enrage him or provoke him to divorce her. Thus, the husband should dutifully repay her when he is able to do so.

The merits of being good to daughters

Q 100: Would you kindly advise those endowed with daughters, explaining the merits of bringing them up and treating them kindly? A: It is obligatory for those who father girls to be kind to them and bring them up well. The Prophet (peace be upon him) stated: (Whoever is destined with the responsibility of (bringing up) daughters, and he accords benevolent treatment towards them, they will be protection for him against Hell-Fire.) It is also a Sunnah act to bring them up well and to supplicate to Allah for them that they be righteous. One should thus be kind to them, as there are glad tidings (of entering Paradise) for those who kindly treat daughters and sisters. A man should supplicate to Allah to grant them good husbands who treat them well and who fear Allah when dealing with them.

Treating Women well

Q: A woman inquires about the meaning of the Hadith that reads (Act kindly towards women, for they were created from a rib and the most crooked

(Part No. 21; Page No. 228)

portion in a rib is its upper part) **and asks for explanation of what is meant by the most crooked portion in a rib is its upper part.**

A: This hadith is Sahih (authentic), being reported by Al-Bukhari and Muslim as authentic in their Two Sahih (authentic) Books of Hadith from the Prophet (peace and blessings be upon him) that he stated, (I advise you to take care of women, for they are created from a rib and the most crooked portion in the rib is its upper part.) This command is directed to husbands, parents, brothers and others to be good to women, to treat them well, not to oppress them and to give them their due rights. This is an obligation on parents, brothers, husbands and others to fear Allah and to treat women well and give them their due rights. All this is obligatory and so the Prophet (peace and blessings be upon him) stated, (I advise you to take care of women ...) Besides, husbands should maintain good treatment of their wives, even though they may sometime deal improperly, verbally or behaviorally, with the husbands' relatives, considering that they were created from a rib, as was stated by the Prophet (peace and blessings be upon him) and that (the most crooked portion of the rib is its upper part.) Here, it is known that the upper part of the rib is that which follows its head and that ribs itself is crooked in shape. This means that women's conduct may involve some crookedness and defects. It was authentically stated in another Hadith reported in the Two Sahih (authentic) Books of Hadith (i.e. Al-Bukhari and Muslim) from the Prophet (peace and blessings be upon him) that he said, (I have not seen anyone so deficient in their reasoning and Din (religion) that they can turn the head of a

(Part No. 21; Page No. 229)

rational and sensible man than you.) Explaining such deficiency in reasoning, the Prophet (peace and blessings be upon him) indicated that the testimony of two women equals the testimony of one man, due to women's deficiency in reasoning and in remembering. As for deficiency in Din, he (peace and blessings be upon him) indicated that they are interrupted from offering prayer for some days and nights by menstruation periods or post-natal bleeding. As such deficiency is predetermined by Allah, they are not to be blamed for it. Besides, such limitation should not be denied, just as it is not permissible to deny that men are generally more competent in their reasoning and Din and that this does not prevent some good women from being better than some men. The preference is gender-based, having men as more competent than women. However, there are cases in which some women are superior to men in knowledge and Din. Women should admit this, accept what the Prophet (peace and blessings be upon him) stated, acknowledge their limitations, ask Allah to guide them, and work hard to observe good deeds. However, if they try to go against the Islamic principles given by Allah and His Prophet, this will be a serious mistake and a manifest evil that women must

beware. Allah is the One sought for help!

(Part No. 21; Page No. 230)

Obligation on husbands to be kind to their wives

Q 102: A husband sees only the defects of his wife, and does not say a nice word to her. Thus, she does not feel secure with him, and she cannot bear his mistreatment anymore, as she has become fed up. She has tried to change her appearance to become more appealing to him, but it has been to no avail. So, if she asks for divorce, will she be among those mentioned in the Hadith stating that a woman who asks for divorce without an excuse will not enter Jannah (Paradise) or smell its fragrance? Are the reasons mentioned enough to give her the right to ask for divorce, without being considered sinful?

A: A husband should treat his wife kindly, according to Allah's (Glorified and Exalted be He) saying, ﴾and live with them honourably.﴿ He (Glorified be He) also says, ﴾And they (women) have rights (over their husbands as regards living expenses) similar (to those of their husbands) over them (as regards obedience and respect) to what is reasonable, but men have a degree (of responsibility) over them.﴿ The Prophet (peace be upon him) also stated, ﴾Act kindly towards women.﴿ There are many pieces of evidence on this. So, if a husband does not do this and rather

(Part No. 21; Page No. 231)

treats his wife badly, as mentioned in the present query, such wife then has the right to ask for divorce, and she will be excused for this. May Allah grant us all success!

Presence of a housemaid without a Mahram

Q 103: My wife is a teacher and we have a number of children. She asked me to hire a housemaid to ease the pressure of housework. I am still hesitant to do so because most of servants come to our country without Mahram (spouse or unmarriageable relative). If she comes with her husband, there will be a chance of pregnancy which adds another load. I rejected my wife's demand and asked her to leave her job. Many other people have the same problem. Please advise. A: You should not hire the servant. Your wife has to leave her job and look after her children and home. It is better for her to stay at home. The presence of the servant is very dangerous for you and your wife, so you have to avoid this evil. May Allah help you to sustain your family!

(Part No. 21; Page No. 232)

In doing so, you perfect your faith and make your life successful. This is my advice to you and to anyone experiencing the same problem.

Q 104: I work in a governmental office, my wife is a teacher, and we have children; all praise be to Allah Alone. The point is that we have brought a housemaid from outside the country without a Mahram (spouse or unmarriageable relative). What is the ruling on this? A: Presence of a housemaid in a home without her spouse is dangerous. To be on the safe side, you should not employ this housemaid. This is because it is possible that you may be in a Khulwah (being alone with a member of the opposite sex) with her and some evil can take place, causing troubles with your wife. However, you may have two housemaids or you may have one housemaid in case that somebody other than your wife lives in the same house, such as your mother or sisters. Concerning the Mahram, it is Wajib (obligatory) that a housemaid has a Mahram. Her family must not allow her to travel without a Mahram. You have to insist upon this for the Messenger (peace be upon him) said: ﴿A woman has not to travel except with a Mahram.﴾ Again, it is Wajib on the family of such housemaids to send Mahrams with them, but because most of them are greedy and indifferent they send them without Mahrams. May Allah protect us!

Ruling on remaining away from one's wife

Q 105: I work in Iraq and my financial conditions compel me to be away from home for two and half years. What is the ruling on this? Is it Haram (prohibited) to be absent from my family for this extended period? Guide me please. May Allah reward you with the best! A: It is quite a lengthy period. You should return to your wife from time to time then go back to your work. However, if you know that your wife consents to this and that there is no danger to her as she is well-guarded, it is permissible for you to remain away from your home for this period of time. However, I advise you and those like you not to be away from your wives for a long period but to go to them from time to time. This is because being away from your wife expose you and her to danger. You should then go home from time to time; every three, four, or at most six months, to stay with your wife for some time, then return to work. The less time you are away from home, the better it is. This is because of the spread of evil and Fitnah (temptations) nowadays. Every husband must beware of such dangers, guard his and his wife's honor,

and avoid causes of Fitnah. On the other hand, employers must allow their employees to visit their families from time to time. They have to support them in righteousness. Indeed, these are important matters which both employees and employers must help one another in righteousness and piety.

Ruling on staying away from one's wife for provision

Q 106: What is the ruling on staying away from one's wife and children for a year or two while seeking provision, conducting business, or working to repay debts?

A: There is no harm in traveling to seek provision or knowledge, even for long periods. However, if it is possible to return to one's wife every now and then to fulfill her conjugal rights, it will be better, even once every four to six months. He can stay with his family for some days and then return to work. If it is too difficult for him to do this, he is excused.

Obligation of being fair among wives

Q 107: I have two wives that I cannot be fair between them the thing that causes me many problems. What is the ruling on this regard? May Allah reward you well! Also, would I be considered sinful if I divorce one of them bearing in mind that she has children? May Allah reward you with the best! A: You have to be just between your two wives for the Prophet (peace be upon him) stated: ﴾Whoever has two wives and is inclined to one of them, he will come on the Day of resurrection leaning to one side.﴿ Moreover, the Prophet (peace be upon him) used be fair when dividing (his time and other material things) amongst his wives and supplicate: ﴾O Allah, this is my division concerning what I control, so do not blame me concerning what You control and I do not.﴿ It is thus Wajib (obligatory) on you to do your utmost to be fair between your two wives with your time, both day and night, and also regarding maintenance.

However, if one of your wives has children and the other does not; you have to give each one the amount of money that fulfills her needs. On the other hand, you do not have to divide love and intimacy equally between your two wives for such things cannot be controlled. You have only to be just regarding the number of nights and days you spend with each wife. You are not blamed if you love one more or are intimate with her more often than the other. I advise you not to divorce either of them unless you find it difficult continue in the marriage. You must not be unjust to her unless she accepts this, for example, by saying: "I am satisfied that you come to me whenever you like or do whatever you like."

Q 108: A man has two wives. One of them does all the housework and the other has a housemaid. Is it permissible for the one who does not do any of the housework to have a share in the number of nights and amount of maintenance equal to that of the other wife who does the housework and fulfills all her duties towards her husband? Is the husband considered to be sinful if he becomes equitable in spending and staying between his two wives? Or should he continue differentiating between them? It may be worth mentioning that the condition of the wife who does not fulfill her duties towards her husband is not expected to improve for she has behaved like this for some time.

A: It is Wajib (obligatory) on a husband to be just to his two or more wives. He must spend on them according to their different needs and those of their children in an equitable manner for Allah (Glorified and Exalted be He) states: ﴾and live with them honourably.﴿ In the case of a wife that does not fulfill

(Part No. 21; Page No. 237)

the rights of her husband or children, she is to be advised and directed to goodness. The Prophet (peace be upon him) stated in his Khutbah (sermon) during the Farewell Hajj explaining rights of wives: ﴾Their rights are that you should provide them with food and clothing in a fitting manner.﴿ May Allah grant us all success!

Q 109: I got married fourteen years ago and I had five children; all praise be to Allah Alone. I then married a second wife who was one of my relatives. At the time of concluding the marriage contract, my maternal uncle did not stipulate anything except that I buy my wife some garments. Now I would like to buy some gold for my second wife, but I fear being unjust to my first wife if I don't buy her some as well. What is the ruling on this regard as I fear being unjust towards one of them? A: You have to be just between your two wives regarding maintenance, clothing, and jewelry. However, if one of your two wives is content with receiving less than the other; it is permissible for you to do so. Besides, you have to give more maintenance to the one who has more children than the other according to her needs. It is worth mentioning that there are Sahih (authentic) Hadith to the effect that being just among one's wives is Wajib (obligatory). The Prophet (peace be upon him) was just among his wives saying: (O Allah, this is my division concerning what I control, so do not blame me concerning what You control and I do not.)

(Part No. 21; Page No. 238)

Allah (Glorified be He) states: (Indeed in the Messenger of Allâh (Muhammad صلى الله عليه وسلم) you have a good example to follow) May Allah grant us all success!

Q 110: Is a husband required to give equal turns to his two wives to accompany him when he travels? May Allah reward you well! A: A husband should treat his wives fairly regarding accompanying him in traveling, either by mutual consent or drawing lot. When the Prophet (peace be upon him) intended to go on a journey, he would cast lots between his wives and the one whose name was drawn would accompany him. We, should pattern ourselves after him (peace be upon him), for Allah (Glorified and Exalted be He) states: (Indeed in the Messenger of Allâh (Muhammad صلى الله عليه وسلم) you have a good example to follow) The husband's accompanying of one wife without acquiring their mutual consent or drawing lot, is an unjust act towards the one or more left behind. Allah (Glorified be He) has forbidden His Servants to be unfair and commanded justice.

polygyny and

rights of women in Islam

Q 111: We would like Your Eminence to advise us with regard to polygyny and the rights of women in Islam.

(Part No. 21; Page No. 239)

A: The noble Qur'an and the sacred Sunnah permit polygyny, and Muslims concur on its lawfulness. Allah (Exalted be He) states: ﴾then marry (other) women of your choice, two or three, or four; but if you fear that you shall not be able to deal justly (with them), then only one or (the slaves) that your right hands possess. That is nearer to prevent you from doing injustice.﴿ The Prophet (peace be upon him) practiced polygyny, as he had nine wives. Allah benefited the Ummah (nation based on one creed) through these women by their conveying knowledge, good morals, and noble manners. Likewise, prophets Dawud and Sulayman (i.e. David and Solomon, peace be upon them) practiced polygamy; they had many wives simultaneously, by the Will of Allah and His Legislation. Also, many of the Sahabah (Companions of the Prophet) and those who graciously followed them practiced polygyny as well. Polygyny was a well-known practice in previous civilized nations and during Jahiliyyah (pre-Islamic period of ignorance). With the advent of Islam, the Shari`ah (Islamic law) limited the number of wives to four. The Prophet (peace be upon him) was permitted to have more than four wives due to certain wisdom and interests. Thus, when polygyny is practiced with fairness, it brings many benefits: preserving the chastity of men and his being the cause of preserving the chastity of a number of women, the protection of women's welfare, and the multiplication of progeny which results in the growth of the Ummah, the increase of its power and number of people

worshipping Allah.

(Part No. 21; Page No. 240)

It will also be a cause for the Prophet's boasting of them before other nations on the Day of Resurrection. There are many other interests that are known to those who glorify the Shari`ah and consider its advantages, its wisdom, and people's dire need for it with contentment, love, glorification, and insight. However, the ignorant who gloomily view the Shari`ah and subserviently look east and west, approving of all that comes from them, is far from perceiving the merits of the Shari`ah, its wisdom, benefits, and protection of the interests of male and female Servants. Muslim scholars stated that polygyny is among the merits of Shari`ah and is an aspect of its maintenance of the interests of society and a remedy for its problems. Some enemies of Islam see this aspect and admit the excellence of polygyny, despite their enmity towards it, in acknowledgment of the truth and the pressing necessity to allow it. Here is a quote mentioned by the author of Al-Manar, vol. 4, p. 360, from a London publication: "Many of our young women have gone astray and despite this calamity, those who examine the cause of such phenomenon are few. As a woman, my heart aches out of deep pity and love for them. Yet, how could my grief, anguish and lamentation benefit them, even if all people share my feelings. People's commiserating will not remedy this deterioration, rather we must find a viable solution." How insightful was the scientist Tus,

(Part No. 21; Page No. 241)

who diagnosed this malady and prescribed a certain medicine for it, namely permitting men to marry more than one wife. He asserted: "In this way, this problem would be removed and our young women will become honorable homemakers. This misfortune is indeed a result of legislating that European men marry no more than one woman. This restriction has turned our young women astray and driven them to seek male occupations. If men are not allowed to marry more than one woman, this problem will only increase. What kind of thinking or estimation can encompass the number of married men who have illegitimate children, now turning into dependents and a shame on society! If polygyny were lawful, such children and their mothers would not suffer the current agony and ignominy, and their children's honor would have been preserved. For indeed women competing with men (at work) will bring destruction upon us. Do you not see that her nature assigns for her professions that differ from those of men, and vice versa! Therefore, through polygyny, every woman would be able to have a home and become a mother of legitimate children". On page 362, the author of "Al-Manar" quoted another female writer to have said: "If our young women work in homes as servants or housewives, then it is better than working at laboratories where they become contaminated by tubercles that take the splendor of her life forever. I wish our country were like Muslims countries; where decency, chastity, and purity are the dress of servants and bondwomen while enjoying luxurious living and good treatment by the house masters. Good treatment similar to that they apply to their own children with no harm...

(Part No. 21; Page No. 242)

Yes, it is a shame on British countries that they have allowed their young women to become symbols of vice by permitting them to intermix freely with men. Why do we neglect seeking what agrees with a woman's nature as ordered in divine religion and do not leave the types of work that are intended for men to men; in an attempt to protect her safety and honor!" Gustave Le Bon also said: "polygyny is a good custom as far as the social system of the East is concerned. It has enabled those who practice it to strengthen and invigorate their family relations. Thanks to this custom, through which woman enjoys more respect and happiness that can not be found in Europe." The writer Bernard Shaw said: "If any religion has a chance of ruling over England, nay Europe within the next hundred

years, it is Islam." These are excerpts of what I read from those who oppose Islam regarding its advantages and that of polygyny. This should serve as a lesson for all those endowed with sound understanding, and it is the Help of Allah (alone) that we seek!

There is no contradiction

in the Ayahs of polygyny

Q 112: In the Qur'an, there is a noble Ayah (Qur'anic verse) about polygyny that reads: ﴾but if you fear that you shall not be able to deal justly (with them), then only one﴿

(Part No. 21; Page No. 243)

In another Ayah, Allah (Exalted be He) states: ﴾You will never be able to do perfect justice between wives even if it is your ardent desire﴿ **In the first Ayah, being just is stipulated in order to be able to marry more than one woman. In the second Ayah, it is stated that justice is impossible. Does this mean that the first Ayah was abrogated and it is impermissible to marry more than one woman because it is impossible to be just to them? Please advise, may Allah reward you well! A:** There is no contradiction between the two Ayahs, and neither of them abrogated the other. Justice here means what is humanly possible, which is fairness in division and Nafaqah (obligatory financial support). As for equity in love and intimacy, this is beyond a person's control, and this is what is referred to in Allah's statement (Exalted be He): ﴾You will never be able to do perfect justice between wives even if it is your ardent desire﴿ It was authentically reported from the Prophet (peace be upon him) on the authority of `Aishah (may Allah be pleased with her) that he (peace be upon him) used to divide his time equally among his wives and supplicate: ﴾O, Allah! This is my division concerning what I control, so do not blame me concerning what You control and I do not.﴿ (Related by Abu Dawud, Al-Tirmidhy, Al-Nasa'y, Ibn Majah, and ranked as Sahih (authentic) by Ibn Hibban and Al-Hakim.) May Allah grant us success!

(Part No. 21; Page No. 244)

113-

The Islamic ruling on one who renounces polygyny

In the Name of Allah and peace be upon His Messenger! I read the article published by Al-Yamamah newspaper, on 18/3/1385 A.H., entitled "The problem of the week". In this article Mr. N. `A. offers a solution to the problem of our fellow sister M. A. L. which was published on 11/3/1385 A.H. entitled "Bring me to the light". I also read what Mr. A. S. wrote commenting on the same problem. However, I find the solution offered by Mr. N. a very good one because it conforms to the Truth. Therefore, our fellow sister should adopt it. In addition, she should adhere to good manners, noble character, and gracious patience to overcome difficulties and she will witness good consequences. If she is complaining about the harm and the injustice of her husband, she should ask him in a gentle, amiable, and patient manner to change his attitude. Hence, we hope that he will respond and that she remains at his house, for this is the nearest to justice, In sha'a-Allah (if Allah wills). However, if her co-wife causes her harm, the husband must prevent it. He may also house the harmed wife in a separate dwelling, provide her with the necessary expenditures and assign a (female) companion for her if she cannot stand staying at home alone. The husband is also expected to be objective,

(Part No. 21; Page No. 245)

seek fairness and keep away from all forms of harm. Otherwise, and in case none of his relatives or friends can solve the problem, she has nothing left to do but to take it to court. Before that, however, she should supplicate to Allah (Exalted be He) and sincerely ask Him to relieve her distress, facilitate her affairs, and guide her husband and her co-wife to truth and fairness. She should also reconsider her condition, adopt righteousness and repent to her Lord (Glorified be He) of her negligence towards Him and her husband, for distress befalls servants only as a result of their own sins, as Allah (Glorified be He) states: ﴾And whatever of misfortune befalls you, it is because of what your hands have earned. And He pardons much. (See the Qur'ân Verse 35:45).﴿ And: ﴾Whatever of good reaches you, is from Allâh, but whatever of evil befalls you, is from yourself.﴿ As for the solution offered by A.S., it is a solution offered by a person who is ignorant of the Shari`ah (Islamic law) and its rulings. In fact, he is in need of being led to the light and to be directed to the truth, for he has fallen in a more dangerous and more dismal problem than that of the complaining wife. Such a problem is nothing other than his disapproval of polygyny while claiming that it is a serious disease which should be by all means fought in order to control such a chronic disease which threatens the stability of our society. He further calls upon the government to ban it.

(Part No. 21; Page No. 246)

He also claims that anyone who seeks to practice polygyny is ignorant and we should cooperate in preventing him from fulfilling his bestial desires and in rooting out such a malady. He claimed that whenever polygyny is practiced in a family, it inevitably ends up in disunion, adversity, etc. I believe

these words could not be uttered by anyone who believes in Allah and the Last Day, knowing that the Noble Qur'an and the Sacred Sunnah permit polygyny and the Muslims concur on its lawfulness. Therefore, how can a Muslim disapprove of the Qur'anic statement which proves its permissibility, as Allah (Exalted be He) states: ﴾then marry (other) women of your choice, two or three, or four; but if you fear that you shall not be able to deal justly (with them), then only one or (the slaves) that your right hands possess. That is nearer to prevent you from doing injustice.﴿ In this Ayah (Qur'anic verse), Allah has permitted His Servants to marry women of their choice, two or three or four, on the condition of justice. However, this ignorant person claims that it is a serious and chronic disease which splits the family and disturbs its stability, and that it should be fought. Furthermore, he compares anyone who seeks to practice polygyny to animals. This is a heinous claim that implies belittlement of those who marry two or more women, the most prominent being Muhammad (peace be upon him), the Master of mankind and Jinn. The Prophet (peace be upon him) practiced polygyny; he had nine wives. Allah benefited the Ummah (nation based on one creed) through these women and they conveyed knowledge, good morals and noble manners. Thus, when polygyny is practiced with justice, it brings about many benefits:

preserving the chastity of men and his being the cause of preserving the chastity of a number of women, his maintenance of their interests, and the multiplication of progeny which results in the increase of the Ummah, the increase of its power, and numerousness of those worshipping Allah. It will also be a cause for the Prophet's boasting of them before the other nations on the Day of Resurrection. This, and many other interests, are known to those who glorify the Shari`ah and consider its advantages, its wisdom and the dire need for it with contentment, love, glorification and

insight. However, the ignorant person who gloomily views the Shari`ah and subserviently looks east and west, approving of all that comes from them, is far from understanding the merits of the Shari`ah, its wisdom, benefits, and protection for the interests of male and female Servants. Polygyny was well-known among previous civilized nations and in Jahiliyyah (pre-Islamic period of ignorance). With the advent of Islam, the Shari`ah limited the number of wives to four. The Prophet (peace be upon him) was permitted to have more than four wives due to certain wisdom and interests. However, Allah limited them to nine wives, as indicated in Surah Al-Ahzab. Likewise, prophets Dawud and Sulaiman (i.e. David and Solomon, peace be upon them) practiced Polygyny; they had many wives at the same time, by the Will of Allah and through His Legislation. Also, many of the Sahabah (Companions of the Prophet) and of those who graciously followed them practiced Polygyny as well.

Scholars mentioned that polygyny is among the merits of Shari`ah and is an aspect of its maintenance of the interests of society and a remedy for its problems. Were it not for the sake of brevity, I would have included excerpts from those scholars, so readers would increase their knowledge and insight. Some non-Muslims have acknowledged these benefits and admitted the excellence of polygyny in spite of their enmity towards it, in acknowledgment of the truth and out of the pressing necessity to recognize it. I hereby quote some of these testimonies, though Ayahs (Qur'anic verses), Hadiths, and comments of Muslim scholars are more than sufficient and more useful than the statements of those who oppose Islam. However, still some people may benefit more from such testimonies than they do from the statements of Muslim scholars, and even from the Ayahs and Hadiths. This is only because of their glorification of the West and all that is related to it. Therefore, I deemed it necessary to quote some of these testimonies of male and female western writers. Here is a quote published by Al-Manar, vol. 4, p. 360, from a London Paper by some writers, "Many of our young women have gone astray, adversity has prevailed, and those who examine the cause of such phenomenon have become few. As a woman, my heart aches out of deep pity and love for them. Yet, can grief, anguish and lamentation benefit them, even if all people shared my feelings; of course

nothing can help in preventing such an abominable state". How insightful was the scholar, Tus who diagnosed the malady and prescribed a certain cure for it, namely permitting men to marry more than one wife. He asserted: "In such a way, adversity would inevitably be removed and our young women would become honorable homemakers. This misfortune is the result of legislating that European men marry no more than one woman, as such restrictions have led our young girls astray and driven them to seek occupations intended for men. Thus, evil will increase if men are not allowed to marry more than one woman. What kind of thinking or estimation is it that cannot encompass the number of married men who have illegitimate children and are now turning into weary, dependents and a shame on society! Indeed, if polygyny were lawful, such children and their mothers would not have suffered the current agony and ignominy, and their children's honor would have been saved. Undoubtedly, women competing with men (at work) will bring destruction upon us. Will you not acknowledge that her nature makes her more fitting for professions that differ from those of man, and vice versa! Therefore, through polygyny, every woman can become an honorable homemaker and mother of legitimate children". On page 362, another female writer was quoted to have said: "If our girls work in homes as servants or maids then it is better than working at laboratories where they are contaminated by tubercles that take the splendor of her life forever. I wish our country were like Muslims countries; where decency, chastity and purity are the dress of servants and bondmaids while enjoying the most luxurious living and good treatment by the housemasters.

This good treatment is similar to what they apply to their own children with no harm...Yes, it is a shame on the British countries that have allowed their girls to become symbols of vice by letting them mix with men. Why have we neglected to seek a solution that agrees with a woman's nature as ordered in divine religion while leaving the work that conforms with men to men in a attempt to protect her safety and honor!" Other writers adopted also the same point of view. Gustave Le Bon also said: "Polygyny is a good custom as far as the social system of the East is concerned. It has enabled the people who practice it to strengthen and invigorate their family relations. Thanks to this custom women enjoy more respect in the East than in Europe." The playwright Bernard Shaw also said: "If any religion had a chance of ruling over England, nay Europe within the next hundred years, it would be Islam." These are excerpts of what I read from those who oppose Islam on its advantages and on polygamy, which are lessons for all those endowed with sound understanding, and it is the Help of Allah (alone) that we seek! Undoubtedly, the opinion of A. S. on polygamy implies dispraise of Islam, rejection of the Shari`ah, and ridicule of the Messenger (peace be upon him), which is a negation of his faith. Thus, it is the duty of the rulers to invite him to repent. If he repents and declares his repentance in the newspaper where he published his sacrilegious article, then there will be no harm, praise be to Allah. He should also be disciplined in a way that deters him and his likes. However, if he does not repent, it becomes obligatory to sentence him to capital punishment on the grounds of apostasy,

and his inheritance becomes the property of Bayt-ul-Mal (Muslim treasury), as his relatives are not allowed to inherit from him. Allah states: ﴾Say: "Was it at Allâh (عز وجل), and His Ayât (proofs, evidence, verses, lessons, signs, revelations) and His Messenger (صلى الله عليه وسلم) that you were mocking?"﴿ ﴾Make no excuse; you disbelieved after you had believed.﴿ Allah states concerning Kafirs (disbelievers): ﴾That is because they hate that which Allâh has sent down (this Qur'ân and Islâmic laws, etc.); so He has made their deeds fruitless.﴿ Thus, He (Glorified be He) reminds His Servants that anyone who mocks His Deen or hates what He has sent down, has become a disbeliever whose deeds will be made fruitless. He (Glorified be He) also states: ﴾That is because they followed that which angered Allâh and hated that which pleased Him. So He made their deeds fruitless.﴿ Obviously, A. S. hates what Allah has revealed regarding the permissibility of polygyny, and disparaged it on the premise of its being a chronic disease, and therefore the ruling stated in the Ayah applies to him. Indeed, proofs on this meaning are numerous. We ask Allah to guide us and the rest of the Muslims to love what He has legislated for His Servants, adhere to it, and beware of what contradicts it. We also ask Him to give victory to His Deen and to His Party, and to obliterate falsehood and disappoint its followers. He is indeed All-Hearing, Ever-Near. May peace and blessings of Allah be upon His Servant and Messenger, Muhammad, his family and Companions!

Vice President of the Islamic University

(Part No. 21; Page No. 252)

Ruling on a husband who does not treat his wife kindly

Q 114: I have been married for 25 years now, and I have many children. I suffer a lot from my husband, as he always insults me in front of our children and everyone. He disrespects me for no reason at all. The only time I can breathe freely is when he is out. I must mention that this man maintains performance of Salah (Prayer) and fears Allah. Please guide me to the right thing to do. May Allah reward you well.

A: You should be patient and advise him with the best and remind him of Allah and the Last Day; perhaps he will respond to you, return to Al-Haqq (truth) and stop his ill treatment. If he does not, he will incur the sin for this and you will be greatly rewarded for your patience and putting up with his offensive behavior. It is recommended for you to make Du`a' (supplication) for him during your Salah and at any other time, asking Allah to guide him to the straight path, bless him with virtuous manners, and protect you from his evil and the evil of others.

You should call yourself into account, set aright in your Din (religion) of Islam, repent to Allah (Glorified be He) of your sins and mistakes made with respect to Allah's Rights and your husband's rights. Perhaps your husband's misbehavior with you is ascribed to your sins. Allah (Glorified be He) states:

(Part No. 21; Page No. 253)

﴾And whatever of misfortune befalls you, it is because of what your hands have earned. And He pardons much. (See the Qur'ân Verse 35:45).﴿

There is no harm in asking his mother, father, one of his elder brothers, relatives or neighbors whom he respects to advise him and direct him toward treating you well. Allah (Glorified be He) states: ﴾and live with them honourably.﴿ and: ﴾And they (women) have rights (over their husbands as regards living expenses) similar (to those of their husbands) over them (as regards obedience and respect) to what is reasonable, but men have a degree (of responsibility) over them.﴿

Husbands must live with their wives honorably

Q 115: My husband beats me and spits in my face for trivial reasons. What is your opinion?

A: Every husband must fear Allah. He must neither beat his wife, nor spit in her face. Allah (Exalted be He) states: (and live with them honourably.) The Prophet (peace be upon him) stated: (Act kindly toward women! Verily You have taken them as a trust from Allah, and they have become permissible to you by the Word of Allah.)

(Part No. 21; Page No. 254)

A husband should treat his wife kindly,

fear Allah and be careful with her. He should treat his wife in the best possible way, being easy-going and gentle. Harsh beating and ill-treatment is not acceptable in Islam. If the wife disobeys her husband, he may resort to the slight beating which leaves no mark on the body. Allah (Exalted be He) states: (As to those women on whose part you see ill-conduct, admonish them (first), (next), refuse to share their beds, (and last) beat them (lightly, if it is useful)) Allah has pointed out the procedures the husband should follow when his wife shows ill-conduct and disobedience. Slight beating may be used in cases of ill-conduct on the part of the wife or extreme refraction and rejection of the husband's reasonable requests on a consistent basis. Even then, other measures, such as exhortation and sleeping in a separate bed from hers should be tried first. For example, he may advise her to fear Allah and to obey him or to sleep in a separate bed from hers for one, two or three days. When these two measures are of no avail, the husband may resort to slight beating that leaves no injury or mark on the body. The well-mannered believer should not be macho or tyrannical with his wife.

(Part No. 21; Page No. 255)

Rather, he must treat his wife kindly. The Prophet (peace be upon him) was an ideal husband. He should emulate the Prophet (peace be upon him) and be easy-going with his wife. We ask Allah to guide all Muslims.

Deserting one's spouse

Q 116: What is the ruling on a wife who becomes angry with her husband for a worldly matter and refrains from talking to him or sitting with him for many days? What are the duties of a wife towards her husband?

A: A wife must obey her husband in what is good and it is not permissible for her to desert him except for a Shar`y (Islamically lawful) reason. He also should treat her kindly and not desert her except for a Shar`y reason, according to Allah's statements (Glorified and Exalted be He): ﴿and live with them honourably.﴾ and: ﴿And they (women) have rights (over their husbands as regards living expenses) similar (to those of their husbands) over them (as regards obedience and respect) to what is reasonable, but men have a degree (of responsibility) over them.﴾

(Part No. 21; Page No. 256)

The Prophet (peace be upon him) said: ﴾Treat women kindly.﴿ May Allah grant us success!

Sending two arbiters when there is discord between a married couple

Q: If the two arbiters sent to resolve the dispute of a married couple refuse to separate them by divorce although this is permissible; they being ignorant do not dare to do this, is it permissible for the judge in this case to separate the married couple or not?

A: Scholars differed with regard to this issue. Some of them are of the opinion that the two arbiters are representatives of the husband and the wife and are not allowed to separate them except with the consent of the couple. This view is ascribed to Abu Hanifah and Al-Shafi`y and it is the common view of the Hanbaly School of Jurisprudence On this basis, it is not permissible for the arbiters, nor the judge to separate a married couple unless the husband approves the divorce and the wife accepts the compensation. However, the other opinion is that it is for the arbiters to decide separation and the divorce takes place without compensation on any part, or on the part of the woman. This second opinion was held by `Aly and Ibn `Abbas (may Allah be pleased with them) and it is ascribed to `Uthman (may Allah be pleased with him).

(Part No. 21; Page No. 257)

Also, it is the opinion of Malik and was also reported from Ahmad (ibn Hanbal) and the preferable opinion for Shaykh Taqiyy Al-Din Ibn Taymiyyah The last opinion appears more sound, because Allah entitled the persons chosen to judge in marriage disputes as arbiters and the arbiter is allowed to decide anything irrespective of the consent of the person upon whom the judgment is applied. In addition, this is the opinion of the above-mentioned Companions (may Allah be pleased with them). If the arbiters refuse to separate between the married couple because of being illiterate and they do not dare to do this, the fact that a judge can do it as the two arbiters inform him about the disagreement between the married couple is questionable. I never read that a scholar permitted this after study and search. Ibn Hazm said that it is authentically attributed to Sa`id Ibn Jubair that he stated that the matter of separation is left to the judge not the arbiters if they inform him of what requires separation. According to Ibn Jubair's account, it is permissible for the judge to separate the couple if the two arbiters inform him of what demands separation. In my point of view, the judge should not separate them at once but should consult with the arbiters over separation if they see it fit. If they refuse separation themselves, he should ask the husband to pronounce divorce and the woman to compensate the husband accordingly. If this is possible and separation occurs, this will be good. If the husband refuses to divorce or conditions it on a specific compensation while the woman refuses to pay it, the judge should give them more time according to his Ijtihad (juristic effort to infer expert legal rulings). During this time, they may reconcile, the husband may divorce her wife willingly, or the woman may agree to pay compensation. If this is not useful and separation does not take place and they returned to

(Part No. 21; Page No. 258)

the judge, it is allowable for the judge to compel the husband to divorce if it appears to him that the husband is wrongful. If the matter is not quite clear to him, he should compel the woman to pay back what the husband gave her (of dowry and, I think, the jewelry which the husbands gave to his wife in the morning of their first day of marriage. However, I gave the same judgment in two similar cases.

The supporting evidence is the story of Thabit Ibn Qays with his wife and the statement of the Prophet (peace be upon him): ﴾Accept your garden, and divorce her once.﴿ (Related by Al-Bukhari)

The knowledgeable scholar Ibn Muflih wrote in his book Al-Furu`: "The opinion of our Shaykh concerning the obligation of this was inconsistent and he ordered some honorable judges of Al-Sham (The Levant) with it." He meant Shaykh-ul-Islam Ibn Taymiyyah. Shaykh-ul-Islam approved of it in a case and disapproved of it in another. However, it appears to me that the opinion of deeming this as obligatory on the husband is the preferable and it is better than burdening the judge with it. I think this is the soundest in this case. Moreover, the story of Thabit with his wife is a clear evidence in this regard. Praise is due to Allah; He knows best. May peace and blessings be upon the Prophet, his family and Companions.

Book on Khul`

Separating a couple

when the wife hates the husband

Q 118: A woman married her cousin but she did not love him. She left his house thirteen years ago. She sought divorce and Khul` (divorce initiated by a wife for consideration) and went to court, but he did not agree to that. She hates him and prefers to die than to come back to him. She even once jumped from the roof when her family wanted to reconcile between them. What is the ruling on this case?

A: This wife and husband should be separated if she pays him back the Mahr (mandatory gift to a bride from her groom) she received from him. The Prophet (peace be upon him) said to Thabit ibn Qays when his wife hated him and asked to leave him in return for giving him back his garden: ﴾Accept your garden, and divorce her once.﴿ (Related by

Al-Bukhari in his Sahih (authentic) Book of Hadith) If the woman stays with him in this case, this would bring her much harm. The Prophet (peace be upon him) said: ﴾There should be neither harm nor reciprocating harm.﴿ Shari`ah (Islamic law) aims at bringing about benefits and eliminating and reducing mischief. There is no doubt that if this woman stays with her husband, it would bring much harm that should be eliminated. If the husband refuses to attend court, the ruler should annul the marriage contract if she asks for this and give him back his Mahr to her as indicated in the above-mentioned two Hadith and as dictated by the principles of Shari`ah. May Allah guide all Muslim judges to what sets people's affairs aright, deters the oppressor, and enables the oppressed to regain their rights. Allah (Glorified be He) says: ﴾But if they separate (by divorce), Allâh will provide abundance for everyone of them from His Bounty. And Allâh is Ever All-Sufficient for His creatures' need, All-Wise.﴿

119-

Ruling on triple (irrevocable) divorce in return for compensation

From `Abdul-`Aziz ibn `Abdullah ibn Baz to the honorable brother, judge of Yanbu` Court, may Allah guide you to all goodness! Amen.

As-salamu `alaykum warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you!)

Dear brother, I received your gracious letter no. 1664, dated 24/7/1393 A.H., in which you inquire about the following.

Q 1: A husband divorces his wife, whether he consummates the marriage or not, saying: "I have divorced her triple (i.e. three announcements of the divorce formula) in return for money she gave me - 1000 riyals." After the wife had accepted this, I confirmed the validity of Khul` (divorce initiated by a wife for a consideration), and I made it clear to the husband that he cannot return to his wife until she marries another man, because Khul` took place with the triple announcement of divorce formula. This was based upon the fact that if Khul` takes place with the same wording, it does not affect the number of the occurrences of divorce and the Khul` is valid. The same applies to divorce if it takes place less than three times.

A: It is known that this issue is debatable among the scholars, but the Jumhur (dominant majority of scholars) agrees with your opinion; that a wife becomes unlawful for her husband until she marries another man, because he gave her triple divorce, even if it is in one pronouncement. This was the opinion of `Umar (may Allah be pleased with him). He considered triple divorce pronounced in one utterance as three occurrences of divorce. In a narration authentically reported from him, Ibn `Abbas (may Allah be pleased with him) and a group of Salaf (righteous predecessors) and their ancestors held that three pronouncements of divorce by a husband constitute only one occurrence of divorce, according to the Hadith reported from Ibn `Abbas and authentically established in the Sahih (authentic) Book of Muslim (may Allah be merciful with him), and also the Hadith related in the Musnad (Hadith compilation of) Imam Ahmad with a good Sanad (chain of narrators) in the tale of Abu Rukanah. This opinion was chosen by Shaykh-ul-Islam Ibn Taymiyyah and his student, the great scholar Ibn Al-Qayyim (may Allah be merciful with them). We have been giving Fatwas (legal opinions issued by a qualified Muslim scholar) based on this opinion for thirty years, because it is based on strong evidence, guards the interests of the Muslims and solves many family problems. May Allah (Glorified be He) grant us success! The great scholar Ibn Al-Qayyim (may Allah be merciful with him) explained this in detail in his books Zad Al-Ma`ad, I`lam Al-Muwaqqi`in, Ighathat Al-Lafhan and others.

Ruling on remarrying one's divorcee by Kul`

From `Abdul-`Aziz ibn `Abdullah ibn Baz to the honorable brother, the magistrate judge of Al-Ahsa', may Allah guide you to every good, Amen!

As-salamu `alaykum warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you!)

I received your honorable letter no. (3421), dated 26/4/1392 A.H, which reads: Attached is the letter no. (668) received from Your Eminence on 22/4/1392 A.H regarding the case of the husband who divorced his wife. Your Eminence requested that the wife's Waliy (a legally accountable person acting for a woman seeking marriage) should come to take his statement. The concerned wife came with her father and showed the divorce certificate that reads: In the Name of Allah, I, the husband, has divorced my wife thrice. She is unlawful to me now and lawful to other men in marriage. This is Allah's Way of conducting affairs. Allah is a Witness to this. I made a group of Muslims witness it as well. The first witness is the husband's father and the second one is ----. The certificate dated 23/1/1392 A.H. The wife and her father confirmed that it was a thrice divorce with one pronouncement.

She added that this divorce was pronounced when he was in a state of anger with his mother, brother and his brother's wife and that she is in her sixth-month pregnancy. She said that she does not mind remarrying her husband if this is permissible, as they have children whom she fears may go astray. Her father also had the same opinion in the presence of witnesses who know both parties. Kindly find attached the divorce certificate. We hope Your Eminence would review this matter and give them your Fatwa (legal opinion issued by a qualified Muslim scholar).

According to that, my Fatwa is that the above-mentioned husband divorced his wife one time and it is permissible to remarry her as long as she is still in her `Iddah (woman's prescribed waiting period after divorce or widowhood). It was authentically reported that the Prophet (peace be upon him) did what indicates this. The husband has to repent as his divorce is reprehensible. However, if the divorce was initiated in return for a consideration, it is only permissible to remarry her with a new marriage contract. Divorce in return for a consideration, which is known as Kul`, is considered minor irrevocable divorce (a divorce, after which the man may remarry his irrevocably divorced ex-wife with a new mandatory bride gift and contract). The husband is not allowed to make her return to him without a new marriage contract as known. Would you please do what is necessary and inform everyone of the Fatwa. May Allah reward you and thank you on behalf of us all! As-salamu `alaykum warahmatullah wabarakatuh

121

Khul` as a minor irrevocable divorce

From `Abdul-`Aziz ibn `Abdullah ibn Baz to the honorable brother, Chief Justice of the northern area courts, may Allah grant you success! Amen.

As-salamu `alaykum warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you!)

I received your letter dated 15/6/1391 A.H. including your notification of the description of the Talaq (divorce pronounced by a husband) a husband gave his wife. You said that he divorced his wife thrice with one pronouncement in return for a defined sum of four hundred riyals. The husband stated that he had not divorced her previously. He added that his divorcee would like to return to him, but she told you the opposite out of fear of some of her guardians. You also said that the husband showed you a paper implying this meaning.

Based on this, I issued a Fatwa (legal opinion issued by a qualified scholar) to the husband declaring that this Talaq is considered one pronouncement effecting Talaq. Accordingly, it is permissible for him to remarry her with a new marriage contract, since this Talaq carries the same ruling of Khul` (divorce initiated by a wife for a consideration), which renders the divorcee in a state of minor irrevocable divorce (a divorce, after which the man may remarry his irrevocably divorced ex-wife with a new mandatory bride gift and contract). This applies so long as it has not been proven to you that the husband did divorce her twice before. It was also authentically reported from the Messenger of Allah (peace be upon him)

on the authority of Ibn `Abbas (may Allah be pleased with both of them) a Hadith proving that the mentioned case of Talaq is considered one pronouncement effecting Talaq. Please inform the woman and her guardian of that. May Allah grant us all success to do what pleases Him! May Allah bless your efforts! He is the Best One to be sought for help. As-salaamu `alaykum warahmatullah wabarakatuh.

122- Waiving the remaining part of Mahr is equivalent to Khul`

From `Abdul-`Aziz ibn `Abdullah Ibn Baz to the respected brother, Judge of Qina and Al-Bahr, may Allah protect and support you! Amen.

As-salamu alaykum warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you!)

I received your noble letter no. 435, dated 20/08/1392 A. H. I read the attached document, which reads: "From the Judge of Qina and Al-Bahr and in reference to the letter sent by His Eminence Shaykh `Abdul-`Aziz ibn `Abdullah Ibn Baz no. 1457, dated 04/08/1392 A. H. in which His Eminence mentioned that a husband came to him and told him that he was angry with his wife and so pronounced a triple Talaq (divorce pronounced by a husband) in one word. The man mentioned that he had not pronounced any Talaq before. The Shaykh decided that the husband had to come to the court along with his wife and her Waliy (a legally accountable person acting for a woman seeking marriage)

(Part No. 21; Page No. 267)

in order to ask the wife and her Waliy about what had been stated by the husband, and to ask the wife about her desire to go back in marriage to her husband, if this is Islamically lawful. The Shaykh asked to be notified of their answers. The wife and her Waliy thus came to the court. The wife testified that a dispute occurred between her and her husband, so that he said to her: "You are divorced" three times. He did so after they had agreed that she would waive the part of her Mahr (mandatory gift to a bride from her groom) that her husband owes her. On the other hand, the Waliy mentioned that one day the husband concerned came along with two witnesses and a clerk and said in front of everybody: "My wife is divorced three times. She is unlawful to me." He gave her the document. The two witnesses testified that this is true and added that the Talaq was based on her waiving the remaining part of the Mahr, and that they were there to bear witness to this. I also read the completion that you wrote at the end of your letter referred to above in which you stated that the wife desires to resume the marriage.

Based on all this information, my answer to the husband concerned is that only one Talaq is counted and that he may remarry his wife through a new marriage contract that meets all the Shar`y (Islamic legal) conditions. This is because the Talaq in question is equivalent to Khul` (divorce initiated by a wife for a consideration). It is worth mentioning that there is a Sahih (authentic) Hadith

(Part No. 21; Page No. 268)

on the authority of Ibn `Abbas (may Allah be pleased with them both) to the effect that such Talaq is considered only one Talaq. I, thus, hope Your Eminence will convey this to all those concerned and inform the husband that it is not permissible to give three pronouncements of Talaq in one session, and that he has to offer Tawbah (repentance to Allah) for doing so. May Allah reward you with the

best for the help you provided for this husband and wife. salamu alaykum warahmatullah wabarakatuh.

133- Talaq in return for compensation is considered minor irrevocable divorce

From `Abdul-`Aziz ibn `Abdullah Ibn Baz **to the honorable brother, His Eminence Shaykh, assistant chief justice of the Northern Courts. May Allah guide you! Amen!**

As-salamu `alaykum warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you!)

Dear brother, I received your letter no. 2141, dated 17 Sha`ban, 1398 A.H., in which you ask about the permissibility of revoking Talaq (divorce pronounced by a husband) in return for a compensation. I answer you that Talaq in return for a compensation is considered minor irrevocable divorce (a divorce, after which the man may remarry his irrevocably divorced ex-wife with a new mandatory bride gift and contract)

(Part No. 21; Page No. 269)

if the husband has not divorced her twice before.

May Allah help everyone to understand Islam and remain committed to it. salamu alaykum warahmatullah wabarakatuh

Chairman of the Departments of

Scholarly Research, Ifta', Da`wah, and Guidance

Ruling on divorce

in return for compensation before consummating marriage

From `Abdul-`Aziz ibn `Abdullah Ibn Baz to the honorable brother; may Allah guide you to everything good. Amen.

As-salamu `alaykum warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you!)

I received your honorable letter, which includes your question regarding the ruling on a man who married a woman, did not consummate marriage, later divorced her in return for consideration, then remarried her. I have read your entire letter.

Answer If the case is as you have stated, it is permissible for him to remarry her with a new marriage contract and stipulated conditions, bearing in mind to count that they were divorced once before. Regarding the dream you saw, nothing is accounted for it. This dream is a devil's way to make people sad and play with them. It was authentically reported that the Prophet (peace be upon him) stated: ﴾A good dream is from Allah, and a bad dream is from Satan. So whoever sees (in a dream) something he dislikes should spit without saliva thrice on his left, seek refuge in Allah from Satan, and the evil he saw three times. Then he should turn on his side, and it will not harm him, provided that he tells no one. If he saw in his dreams what pleases him, he should praise Allah, and inform whomever he likes.﴿ May Allah guide everyone to comprehend Islam and hold fast to it, for Allah is All-Generous, All-Bountiful.

As-salamu `alaykum warahmatullah wabarakatuh

Chapter on Divorce

125- Talaq which complies with the Sunnah and ruling on

uttering the divorce three times in one session or in case of anger

From `Abdul-`Aziz ibn `Abdullah Ibn Baz **to the respected brother; may Allah grant you success! Amen.**

As-salamu `alaykum warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you.)

Kindly be informed that I have read your letter which contains some questions. They are answered as follows:

Q 1: What is the prescribed way of Talaq (divorce pronounced by a husband) in the light of the Qur'an and the Sunnah?

A: The prescribed way is that the husband declares the divorce one time when his wife is pregnant or in a state of purity and he has not engaged in any sexual relations with her. Allah (Glorified and Exalted be He) says: (O Prophet (صلى الله عليه وسلم)! When you divorce women, divorce them at

their 'Iddah (prescribed periods)》 It was reported in the Two Sahih (authentic) Books of Hadith (i.e. Al-Bukhari and Muslim) on the authority of Ibn `Umar (may Allah be pleased with them) that the latter divorced his wife when she was menstruating. `Umar (may Allah be pleased with him) asked the Prophet (peace be upon him) about his son's actions to which he replied:

《Command him to take her back, and keep her till she is purified, then has another period, then is purified. If he wishes he may keep her and if she wishes he may divorce her before having sexual intercourse, for that is the `Iddah (woman's prescribed waiting period after divorce or widowhood) which Allah commanded for the divorce of a woman.》 Another report narrated by Muslim from the Prophet (peace be upon him) reads: 《Then he can divorce her when she is pure (not menstruating) or pregnant.》

Q 2: Is declaring Talaq three times in the same session regarded as one divorce or three divorces?

A: Three divorces uttered at the same time is only to be counted as one according to the soundest view of scholars. It was authentically reported in Sahih Muslim on the authority of Ibn `Abbas (may Allah be pleased with them) that the (pronouncement) of three divorces during the lifetime of Allah's Messenger (peace be upon him) and that of Abu Bakr and for two years of the caliphate of `Umar (may Allah be pleased with them) was deemed as one time of divorce. Then, `Umar (may Allah be pleased with him) said, "People hasten in a matter in which they are required to observe respite. So, it is recommended to impose it upon them," and he imposed it upon them. It is evident that the divorce in this way is counted as a threefold divorce according to Ijtihad (juristic effort to infer expert legal rulings) made by `Umar (may Allah be pleased with him). Yet, it is better to follow the authentic Sunnah than following Ijtihad made by `Umar or others for the benefit of the Muslims. This is supported by the report narrated by Imam Ahmad ibn Hanbal in his Musnad through an authentic Sanad (chain of narrators) from Ibn `Abbas that Abu Rukanah made three pronouncements of divorce and later regretted. So, he went to the Prophet (peace be upon him) who returned her wife to him, and said: 《It is one divorce.》

Q 3: In a state of rage, a husband said to his wife: "I divorce you thrice." He later regretted and wants to take her back.

What is the ruling on this act?

A: According to the most correct opinion of scholars, Talaq is not effected if it is declared - once or thrice - in a fit of anger. They have to prove the claim that the apparent state which caused divorce is true. On the other hand, when anger is so intense that a person is no longer aware of what he is doing or saying, the divorce is not effected according to Ijma` (consensus of scholars). In this case, he is like one who is insane and one who has lost all power of reason due to unintentional drunkenness. Uttering divorce in a state of intentional drunkenness does not become effective due to loss of reason. `Uthman (may Allah be pleased with him) issued a Fatwa that supported this view and it was followed by a group of people of knowledge, because it was based on Shar`y (Islamically lawful) evidence.

We ask Allah to guide all Muslims to understanding the religion and holding fast to it, for He is the One Who is capable to do so. As-salamu `alaykum warahmatullah wabarakatuh

Chairman of the Departments of

(Part No. 21; Page No. 276)

Ruling on divorcing a pregnant woman

From `Abdul-`Aziz ibn `Abdullah Ibn Baz to the honorable brother, may Allah guide us to every good! Amen.

As-salamu `alaykum warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you.)

I have received your letter including the fact that a man divorced his pregnant wife and he remarried her after she gave birth, then divorced her again in a period of purification in which he had no sexual intercourse with her while she was pregnant. We know that you need a Fatwa.

Answer: I see that it is not lawful for the above-mentioned woman to remarry her husband till she marries someone else with the intention of marriage, not Tahlil (a marriage contracted for the sole purpose of legalizing remarriage between an irrevocably divorced couple) and she has to have sexual intercourse with the new husband. That is because her ex-husband divorced her three times in separate sessions. Regarding your claim that the first divorce was not according to the Sunnah, this is incorrect as it was initiated while she was pregnant. The Sunnah is to divorce the woman only when she is pregnant or in a state of Tuhr (period of ritual purity) in which her husband did not have intercourse with her. The majority of scholars see that the divorce, which is not according to Sunnah, is also valid,

(Part No. 21; Page No. 277)

even though the one who does that is sinful. It is well-known that Ibn `Umar (May Allah be pleased with him) divorced his wife while she was in her menstrual period and this divorce was counted as reported by Al-Bukhari in his Sahih (authentic) Book of Hadith. May Allah guide all to comprehending religion and holding fast to it. As-salamu `alaykum warahmatullah wabarakatuh.

President of the Islamic University in Al-Madinah Al-Munawwarah

127-

A question about the occurrence of divorce during menstruation and Tuhr in which a man has had intercourse with his wife

From MSA to our Shaykh `Abdul-`Aziz ibn `Abdullah Ibn Baz, may Allah protect you! Amen.

As-salamu `alaykum warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you.) May Allah grant you health and thankfulness to His Blessings, and enable us to keep steadfast on religion.

I know that you adopt the opinion that triple divorce (three simultaneous pronouncements of divorce) at the same time is considered one occurrence of divorce. I was not satisfied with this opinion. However, I recently found out that the Qur'an is clear in this issue, especially when I realized the catastrophes that result from permanent separation between the spouses by a single word uttered by the husband. My question now is whether you acknowledge the occurrence of divorce during menstruation and Tuhr (period of ritual purity) in which the husband had intercourse with his wife.

If you do, what is the difference between it and triple divorce in the same session? Both of them violate the prescribed rules, so they should take the same ruling. If you do not consider this opinion, should the Mufty (Islamic scholar qualified to issue legal opinions) or the person in authority inquire about the status of the woman at the time when divorce was pronounced?

I would also like to know your opinion about the issue of swearing by divorce and divorce initiated by an infuriated person who is still aware of his actions, and not so infuriated

that he is not aware of what he is saying. In both these issues, I do not want to know your evidence, but just your opinion only.

Best regards for everyone. Peace be upon you.

128- The ruling on divorce during menstruation and Tuhr

in which a man has had intercourse with his wife, swearing by divorce, and divorce initiated by an infuriated man

From `Abdul-`Aziz ibn `Abdullah Ibn Baz to the dear brother and Shaykh, may Allah guide you to all goodness! Amen.

As-salamu `alaykum warahmatullah wabarakatuh.

I received your letter dated 10/12/1389 A.H., in which you wish to know my opinion concerning divorce during menstruation, divorce during Tuhr in which a man has had intercourse with his wife, swearing by divorce, and divorce initiated by an infuriated man, and so on.

A: I think that divorce during menstruation and Tuhr in which

a man has had intercourse with his wife takes place for two reasons. The first is the Hadith narrated about Ibn `Umar and that it was considered one occurrence of divorce. The second is that the Prophet (peace be upon him) never inquired in any Hadith whether divorce was initiated during menstruation or Tuhr in which the man has had intercourse with his wife. If the ruling had been different, he would have inquired about it. I have never given a Fatwa (legal opinion issued by a qualified Muslim scholar) of the invalidity of such a divorce, except once. I still seek more evidence on the occurrence or non-occurrence of this divorce, as a knowledge seeker should always seek the truth supported by evidence until the last moment in their lives.

As for swearing by divorce, I used to consider it an occurrence of divorce. However, almost a year ago, I concluded that it is not considered an occurrence of divorce, and I gave this Fatwa many times, if the man did not intend divorce but only intended to urge or prohibit his wife from doing something, or believe or deny something. It is known that this is the opinion of Shaykh-ul-Islam Ibn Taymiyyah and his student, great scholar Ibn Al-Qayyim (may Allah be merciful with them).

As for divorce initiated by an infuriated person, it takes place unless anger makes the person unaware of what he is saying; and he testifies that he is unaware of what he did except through the testimony of those who were present in the situation. As for the difference between the occurrence of divorce during menstruation and Tuhr in which intercourse took place, and the non-occurrence of triple divorce in one pronouncement, there is a Nas (Islamic text from the Qur'an or the Sunnah) that clearly states

that triple divorce does not take place and that it used to be considered one occurrence of divorce in the era of the Prophet (peace be upon him), Abu Bakr (may Allah be pleased with him) and the beginning of the era of `Umar (may Allah be pleased with him). However, no such thing was mentioned about divorce during menstruation or Tuhr in which intercourse took place. Since the Hadith on triple divorce is not definitive about the non-occurrence of three separate pronouncements of divorce, I considered it as if it took place with one pronouncement, because this is the least of its indications, and because Ibn `Abbas (may Allah be pleased with him) gave this opinion in the

narration reported from him about the non-occurrence of triple divorce. Until now, I have found no definitive text from the Salaf (righteous predecessors) which indicates that three separate pronouncements of divorce are not considered triple divorce.

This is the conclusion of my opinion concerning this issue. If you find out otherwise supported with evidence, please advise, because Al-Haqq (the Truth) is the target of a Mu'min (believer), and any knowledge seeker who seeks Al-Haqq, whether you, me or anyone else, is required to bring benefit. May Allah guide you, Muslims and me to Al-Haqq in words and actions, and keeping firm on it! He is the Best One Whose help is sought.

129- Divorcing a menstruating woman is valid and the person who initiates it is sinful

From `Abdul-`Aziz ibn `Abdullah Ibn Baz to the honorable brother and Shaykh. May Allah guide you! Amen.

As-salamu `alaykum warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you.)

I received your letter dated 16 Jumadah I, 1390 A.H., and reviewed the question therein in which you inquired about a man who divorced his wife while she was in her menses and whether this divorce, which was the last one, counted.

Answer: according to the Jumhur (dominant majority of scholars), this divorce counts and the husband bears the sin. That is because when Ibn `Umar (may Allah be pleased with both of them) divorced his wife in her menses, the Prophet (peace be upon him) denounced this and ordered him to take her back in marriage but did not tell him that the divorce was not counted. It was authentically reported in the Sahih (authentic) Book of Hadith of Al-Bukhari that this divorce was counted for him. It has not been reported - so far as we know - that the Prophet (peace be upon him) used to ask those who asked questions about divorce whether or not they divorced their wives in their menses. If divorce in menses did not count, the Prophet (peace be upon him) would have asked them when it occurred, and this is the strongest opinion. Allah (Glorified and Exalted be He) knows best. As-salamu `alaykum warahmatullah wabarakatuh

130- Ruling on divorce in a period of Tuhr during which sexual intercourse has occurred

On Friday 2th of Shawwal, 1413 A.H., a husband and his wife came to tell me that the husband had divorced her for one time in a period of Tuhr (period of ritual purity) during which sexual intercourse had occurred. She was not pregnant and was not at the age of menopause. I told them that this divorce did not count and the wife was still in the `Ismah (the bond of marriage) of her husband according to the soundest opinion of scholars. This is based upon a Hadith reported by Ibn `Umar (may Allah be pleased with both of them). May Allah grant us all success. May Allah's Peace and Blessings be upon our Prophet Muhammad, his family and Companions.

`Abdul-`Aziz ibn `Abdullah Ibn Baz

131- Ruling on divorcing a wife in her postpartum period

From `Abdul-`Aziz ibn `Abdullah ibn Baz to the honorable brother, His Eminence Shaykh, M. A. M., may Allah guide you to all goodness, Amen!

As-salamu `alaykum warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you!) To proceed:

Dear brother, I received your kind letter dated 25/1/1389 A.H., in which you detailed the manner in which Mr. S. divorced his wife. He said the following words when his wife was in the postpartum period: "If I smoke within a year, my wife is divorced one time." Then he smoked while his wife was still in this period and he requested a Fatwa and we gave him the Fatwa that it was invalid Talaq (divorce pronounced by a husband). After that, they disputed and he was furiously enraged, so he took an oath of Talaq not to speak to her for fifteen days intending to divorce her once to punish her, and she answered him: "Do not speak to me ever again." Then he spoke to her after two days thinking that when she started speaking to him his oath was no longer binding. He did not remember whether she confessed that she was the one who spoke first, but he believed that he intended with his heart that Talaq would take place unless she spoke to him first, but he did not say that when he took the oath of Talaq and after that he divorced her through one pronouncement. The father of the wife told you that he knew nothing about what happened except the last paper sent to him and that he and his daughter do not object to her returning to her husband,

if this is permissible according to Shari`ah (Islamic law), and that the husband took her back in marriage and made two trustworthy people witness her return.

Accordingly, I gave a Fatwa to the person in question that his taking his wife back in marriage is valid, as the first pronouncement of Talaq did not take effect, because she was in her postpartum period. The husband should be asked about what he meant by his conditions in the first and second times of Talaq. If he intended to prevent himself from smoking in the first time, and from speaking to his wife in the second time, and he did not actually mean Talaq nor was he willing to divorce her at the time the condition was fulfilled, as is evident in his case and is quite common among people, then the two pronouncements of Talaq hinged on the two conditions did not take effect. This is because the real intention was not to divorce; rather, they were intended to prevent himself from smoking and talking. Consequently, this husband is required to offer Kaffarah (expiation) for breaking an oath due to smoking and speaking to his wife. Accordingly, the first pronouncement of Talaq was prevented from taking place by two impediments: (i) it was not intended and (ii) it was made while the wife was in her postpartum period. The second was prevented by only one impediment. I hope that Your Eminence will inform them of that and complete the required procedures. Also, I advise the husband not to be reckless about the matter of Talaq and to treat his anger by asking Allah for protection against Satan and to leave the place of anger and go to another location. May Allah

reward you and guide you to the right path! As-salamu `alaykum warahmatullah wabarakatuh!

132- Talaq occurs verbally and in writing

From `Abdul-`Aziz ibn `Abdullah ibn Baz to the honorable brother S. F. A., may Allah guide you to all goodness, Amen!

As-salamu `alaykum warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you!) To proceed:

Dear brother, I received your noble letter dated 3/6/1388 A.H., may Allah guide you, including your report about your parents' order for you to divorce your wife. Accordingly, you divorced her in writing, not verbally, literally saying: "I divorced my wife according to the Law of Allah and His Messenger", and your inquiry about the permissibility of taking her back with a new marriage contract.

A: If the case is as mentioned in your letter, the Talaq (divorce pronounced by a husband) that occurred is Shar`y (Islamically legal) and complies with the Sunnah. Only one Talaq takes effect through the above-mentioned written pronouncement, and you can take her back during her `Iddah (woman's prescribed waiting period after divorce or widowhood). However, if her `Iddah has expired, and she agrees to remarry you, she only becomes lawful for you with a new marriage contract, on the condition that you have not previously divorced her twice. May Allah grant us success to do what pleases Him! As-salamu `alaykum warahmatullah wabarakatuh!

(Part No. 21; Page No. 288)

133-Divorcing the wife for no offense is Islamically unacceptable

even if in compliance with the command of the mother

From `Abdul-`Aziz ibn `Abdullah ibn Baz to the respected brother M. A. A., may Allah guide you to every path of goodness, Amen!

As-salamu `alaykum warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you!) To proceed:

I received your kind letter dated 5/2/1398 A.H., may Allah guide you! It informs about a disagreement that occurred between your mother and your mother-in-law which led to commanding you to divorce your wife. She insisted that if you would not divorce her, she would not visit you again and would not accept anything from you. You have previously divorced your wife at the insistence of your mother, then you took her back in marriage and the dispute erupted again. You are asking about the Shar`y ruling concerning obedience of your mother in this case.

A: If your wife did not harm your mother and your mother does not fear any harm on you from her in regard to yourself, religion or

(Part No. 21; Page No. 289)

your wealth, she has no right to separate you from your wife. You do not have to obey her in this case, on the basis of the statement of the Prophet (peace be upon him): ﴾There should be neither harming nor reciprocating harm﴿ And his saying: ﴾Obedience should only be in Ma`ruf (that which is judged as good, beneficial, or fitting by Islamic law and Muslims of sound intellect).﴿ It is not kind to divorce your wife as long as she did not do anything wrong nor was corrupt in her religion. You may show this Fatwa to your mother and explain to her the Shar`y ruling in the hope that she changes her mind and let you keep your wife. However, it is obligatory on you to obey her as much as you can without divorcing your wife. In your case, divorce is not incumbent on you. You have to supplicate to Allah (Exalted be He) to guide your mother and open her heart to forgive you and your wife as well. Allah has power over all things. Whoever fears Allah, He will make a way out for him. So, continue in the way of piety, obedience and watch out for things that He has forbidden. Then be hopeful and expectant of speedy relief, and a happy outcome. May Allah grant us and you a blessed end! May Allah ease for us and you all affairs and open the heart of you mother to every good, for He is the Most Generous, the All-Bountiful. As-salamu `alaykum warahmatullah wabarakatuh!

134- Ruling on the husband waiving his right to initiate Talaq to his wife

From `Abdul `Aziz ibn `Abdullah ibn Baz to the honorable brother A. F., may Allah guide you to all goodness, Amen!

As-salamu `alaykum warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you!) To proceed:

I received your letter, dated 17/1/1389 A.H., in which you asked about the permissibility of the husband giving up his right to initiate Talaq (divorce pronounced by a husband) to his wife.

A: It is not permissible for the husband to completely give up this right to his wife, for women are not qualified to undertake this position. Allah (Glorified and Exalted be He) says: ﴾Men are the protectors and maintainers of women﴿ Giving women this right is against the Book and the Sunnah and turns the norms upside down. Had Talaq been in women's hands, great evil and corruption would have ensued. Allah's Wisdom is above all.

However, if the husband wants to divorce his wife and authorizes her to divorce herself, this is permissible. But to have the right to divorce

herself based upon a previously stipulated condition in the marriage contract, this condition is null and void, even it they agreed upon it, because such invalid conditions do not count in Shari`ah (Islamic law).

The Prophet (peace be upon him) said: (There is no Talaq except after marriage and no emancipation except after possession.) It was authentically reported that the Prophet (peace be upon him) said: (Talaq is the right of the one who seizes the leg (i.e., consummates the marriage, meaning the husband).)

Most significantly is Allah's Saying: (Men are the protectors and maintainers of women, because Allâh has made one of them to excel the other, and because they spend (to support them) from their means. Therefore the righteous women are devoutly obedient (to Allâh and to their husbands), and guard in the husband's absence what Allâh orders them to guard (e.g. their chastity, their husband's property). As to those women on whose part you see ill-conduct, admonish them (first), (next), refuse to share their beds, (and last) beat them (lightly, if it is useful); but if they return to obedience, seek not against them means (of annoyance). Surely, Allâh is Ever Most High, Most Great.) Allah (Glorified be He) says: (O you who believe! When you marry believing women, and then divorce them)

There are many Ayahs (Qur'anic verses) indicating that Talaq is in men's hands and their meaning testifies to this.

As for the answer you received for your question, I know of no basis for it either in the Book of Allah or the Sunnah of His Messenger (peace be upon him) or the opinions of scholars. It is rather a view that he stated by way of assumption, Ijtihad (juristic effort to infer expert legal rulings) or imitation of an opinion that he heard but has no basis in Shari`ah. Allah is the One sought for help!

However, if harm will fall upon the wife by staying with her husband due to her dislike of him or his ill manners or any other reason, Allah (Exalted be He) has granted her a way out through Khul` (divorce at the request of the wife in return for compensation to the husband). If the husband does not agree to this, the wife can refer the matter to the legal Islamic court which will examine her case, acting upon Allah's Saying: (then there is no sin on either of them if she gives back (the Mahr or a part of it) for her Al-Khul' (divorce).) Allah (Glorified and Exalted be He) says: (If you fear a breach between them twain (the man and his wife), appoint (two) arbitrators, one from his family and the other from hers; if they both wish for peace, Allâh will cause their reconciliation.)

It was authentically reported in the Sahih (authentic) Book of Hadith of Al-Bukhari (may Allah be merciful with him) on the authority of Ibn `Abbas (may Allah be pleased with them both) that the wife of Thabit ibn Qays came to the Prophet (peace be upon him) and said: "O Messenger of Allah, I do not find any fault with Thabit ibn Qays in his character or his religious commitment, but I do not want to commit an act of Kufr (i.e. ingratitude) after becoming a Muslim." The Prophet (peace be upon him) said to her: ('Will you give him back his garden?' She said, 'Yes.'

The Prophet (peace be upon him) said to Thabit, 'Take back your garden, and divorce her once.')

I have noticed that you initiated your letter with "an Arab greeting wrapped in Islam and folded in faith." The right is to say: "An Islamic greeting" based upon the Shari`ah evidence, and following the way of the Salaf (righteous predecessors). If you expressed it by saying: "As-salamu `alaykum warahmatullah wabarakatuh", this is most perfect, for the Arab greeting in the Jahiliyyah (pre-Islamic time of ignorance) is different from the Islamic one. You should take care of this matter.

May Allah help us all comprehend religion and remain adherent to it! As-salamu `alaykum warahmatullah wabarakatuh!

Vice President of the Islamic University

135- The Wakil is not allowed to record more than one Talaq unless the authorizer permits him

From `Abdul-`Aziz ibn `Abdullah ibn Baz to the respected brother, the head of the Committee for the Propagation of Virtue and the Prevention of Vice (CPVPV) in Karntiyah, Jeddah. May Allah grant you success, Amen!

As-salamu `alaykum warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you!) To proceed:

I received your letter dated 28/3/1393 A.H. I have read the enclosed document which proves how the husband divorced his wife. It reads that the husband confessed that he asked the Wakil (legally accountable person who acts on behalf of another for a specific permissible matter) to write down the Talaq (divorce pronounced by a husband) and the latter wrote the attached document. This is the first time that the husband has divorced his wife. It is not a Talaq for a consideration. He did not pronounce the Talaq either in front of his wife or the Wakil (whom he authorized to write it). He only asked him to write down that he divorced his wife. The document contains the wife's confirmation to what he said and it informs that her father did not know anything about the mentioned Talaq, except what is stated in the Talaq document which reads that neither the wife nor her father object to her return to her husband if

Shari`ah (Islamic law) permits this. It is stated that the husband revoked the Talaq and took back his wife in your presence. I have read the Talaq paper dated 24/3/1393 A.H. which states that the daughter of this father is divorced thrice and irrevocably.

Accordingly, I issued a Fatwa to the husband referred to that he divorced his wife once in consequence of the given account of Talaq, and his taking her back in marriage is valid. This is because the Wakil is not allowed to issue more than one Talaq unless with the permission of the authorizer. The husband only ordered the Wakil to write down the Talaq, without specifying the number of times - as stated in the attached document. Therefore, kindly inform all concerned parties of this Fatwa. May Allah reward you, rectify everyone's affairs, and repay your efforts! As-salamu `alaykum warahmatullah wabarakatuh!

136- Ruling on the husband saying: "Write her divorce paper" as authorization

From `Abdul-`Aziz ibn `Abdullah ibn Baz to his honorable brother, Chief of the Court of Bishah, may Allah guide you to all goodness, Amen!

As-salamu `alaykum warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you!) To proceed:

Dear brother, I read your letter no. 256 dated 13/2/1389 A.H. and its attachment no. 2277 dated 28/12/1388 A.H. I understood what you have mentioned concerning the way Talaq (divorce pronounced by a husband) took place; the husband admitted that he asked the shaykh to write his divorce paper to his wife, but he did not mention to him the kind of Talaq. He took her back in marriage later, and then he divorced her thrice with one pronouncement two years ago, and he never divorced her again. The wife admitted to you that her husband has divorced her through the shaykh, but she does not know the kind of Talaq, then he took her back again, and then he divorced her again two years ago, but she also does not know the kind of Talaq. The Waliy (a legally accountable person acting for a woman regarding marriage) of the mentioned woman admitted that he does not know anything about the mentioned Talaq.

The shaykh admitted that the husband came to him and asked him to write the divorce paper of his wife, but he did not do it, and he asked him to go to a marriage registrant to write it for him.

Accordingly, I gave a Fatwa (legal opinion issued by a qualified Muslim scholar) to the husband referred to that his wife is divorced once through the last pronouncement of Talaq, and that he may take her back through a new marriage contract that meets the Shar`y (Islamic legal) conditions, because she has finished her `Iddah (woman's prescribed waiting period after divorce or widowhood). It was authentically reported from the Messenger of Allah (peace be upon him) that divorcing the wife thrice with one pronouncement is considered as one occurrence of Talaq, as it is well-known. As for the first Talaq that the husband asked the shaykh to write down, he should be asked about it. If he pronounced it, it is considered one occurrence of Talaq and thus, his wife is considered divorced twice. However, if the husband only said to the shaykh: "Write her divorce paper", this is only considered an authorization. As the shaykh did not write anything, no Talaq has taken place. Please take care of the matter and complete the required procedures. Kindly ask the husband to make Tawbah (repentance to Allah) of the last formula of Talaq, and inform him about the Shar`y (Islamically legal) and Bid`y (innovated) forms of Talaq. May Allah reward you and repay your efforts! As-salamu `alaykum warahmatullah wabarakatuh!

137- Ruling on a husband who denied being married as a joke

From `Abdul-`Aziz ibn `Abdullah ibn Baz **to his honorable brother M.A.A., may Allah guide you to all goodness, Amen!**

As-salamu `alaykum warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you!) To proceed:

Dear brother, I received your letter dated 15/1/1393 A.H., which included an inquiry about a man who was asked whether he is married, and he answered in the negative by way of joking or out of forgetfulness, but he was in fact married, and he took his wife back in marriage as a precaution. Your question was whether it is enough to bring one just witness to take back his wife or must there be two just witnesses. If Talaq (divorce pronounced by a husband) really takes place, is it considered one occurrence of Talaq or more? Is this considered an implicit or an explicit allusion to Talaq? Is there a difference between the state of anger, dispute and otherwise?

A: If the reality is as you mentioned, Talaq has not taken place, as this is considered an implicit, indirect allusion; and the husband did not intend Talaq, even if it took place during a time of dispute and anger.

This is according to the most correct opinion of scholars, which applies to the case of a husband who remembers that he is married. No Talaq takes place also if he has forgotten that he is married, for lack of intention. This is according to Allah's Saying (Glorified be He): ﴾Our Lord! Punish us not if we forget or fall into error﴿ Allah (Glorified be He) answered in response (to supplication): "I did" as authentically reported by the Messenger of Allah (peace be upon him) (Related by Muslim in his Sahih [authentic] Book of Hadith) The witnesses brought for taking back one's wife must be two just witnesses. This is in compliance with Allah's saying (Glorified and Exalted be He) in Surah Al-Talaq: ﴾And take as witness two just persons from among you (Muslims). And establish the testimony for Allâh.﴿ A Mu'min (believer) should not joke about Talaq or implicit allusions to it; he should beware of this. May Allah guide everyone to what pleases Him! As-salamu `alaykum warahmatullah wabarakatuh!

138- Ruling on divorcing in jest

From `Abdul-`Aziz ibn `Abdullah ibn Baz to the honorable brother, His Eminence, judge of Pal-lahmar, may Allah guide you to all goodness, Amen!

As-salamu `alaykum warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you!) To proceed:

Dear brother, your noble letter no. 575 dated 8/9/1389 A.H. reached us, may Allah guide you, and I understand what it included. I read the document enclosed with this letter from Your Eminence which included a confession of the husband that he suffers from angina attacks and boredom which change his mood and that he divorced his wife twice while being in a state of altered mood, because of this disease, and he divorced her a third time jokingly and the wife and her Waliy (a legally accountable person acting for a woman seeking marriage) verify this.

Accordingly, I issued a Fatwa to the referred to man, Ahmad, that the two times of Talaq (divorce pronounced by a husband) that happened without conscious control are not valid, on the basis of his confession, and the authentication of this by the wife and her Waliy, whereas the last time when Talaq was made jokingly takes effect because joking and seriousness in the matter of Talaq are the same, as it is well-known. I hope that you inform all concerned parties of this Fatwa and advise Ahmad not to joke about matters of Talaq. May Allah reward you and bless your efforts! As-salamu `alaykum warahmatullah wabarakatuh!

General Chairman of the Departments of Scholarly Research,

Ifta', Daw`ah, and Guidance

139- Non-obligation of obeying the mother in divorcing the wife who has done nothing to offend the husband

From `Abdul-`Aziz ibn `Abdullah ibn Baz to the honorable brother his Eminence, Chief justice of Al-Jawf Court, may Allah guide you to all goodness, Amen!

As-salamu `alaykum warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you!) To proceed:

Dear brother, I received your letter dated 3/11/1389 A.H. may Allah guide you, including your reference to the man who has two or more wives, but there is a special one who is most favored by him, because of her lovely character. In spite of this fact, neither his mother nor his brother likes her. Further, they have threatened him; either to divorce her or they will cut him off, as they fear that she will take him away from them. Also, your question: Should he obey them and divorce her, or can he bring her to another house away from where they live now, if this suits them?

A: He should not obey them in divorcing his wife as long as she has not wronged them in any way. Also, there is no harm in bringing her a new house other than the one where they live, if this shall pacify the situation. In summary, he will not be committing a sin if he disobeys his mother in this matter as long as his wife has not harmed her, or committed anything wrong in her religion that calls for leaving her.

140- The case when both spouses disagree concerning the formula used in Talaq

From `Abdul-`Aziz ibn `Abdullah ibn Baz to dear brother, His Eminence Shaykh A. Z. S., may Allah guide you to all goodness, Amen!

As-salamu `alaykum warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you!) To proceed:

Dear brother, your noble letter no. 417 dated 19/11/1390 A.H. reached us, may Allah guide you! It included an inquiry about Mr. M. who disputed with his wife and claimed that she annoyed him, so he divorced her thrice with one pronouncement and he took her back in marriage the second day, as Talaq (divorce pronounced by a husband) took place, but his wife maintained that he said to her: "You are divorced, then divorced, then divorced," and her brother confirmed what she said. However, the husband denied this and maintained that her brother is an adversary to him. There is no evidence with the wife or her brother except what is mentioned and you are asking about our legal opinion on this issue.

A: Your Eminence knows well that the Islamic juristic rule in such a case is that the statement of the person who denies is the one accepted under his oath. Accordingly, if the referred to husband certified his saying with an oath, it is to be taken as true while the claim of the wife and her brother is rejected, unless it is supported with just evidence.

As for the opinion of some Fuqaha' (Muslim jurists) that no oath should be administered in matters of marriage, Talaq and other issues as recorded in books like "Mukhtasar Al-Muqni`", "Al-Rawd" and others, this opinion goes against evidence and it should not be relied on owing to the Hadith of the Prophet (peace be upon him) in which he said: ﴿Were people to be given according to their claims, some men would claim the blood and properties of people, but proof falls on the plaintiff and oath-taking falls on the one who denies.﴾ The Prophet (peace be upon him) did not exclude marriage or Talaq. May Allah guide all to the right, for He is All-Hearer, Ever Near. As-salamu `alaykum warahmatullah wabarakatuh!

141- Ruling on the husband saying: "She is divorced" thrice while intending irrevocable triple Talaq

From `Abdul-`Aziz ibn `Abdullah ibn Baz to the respected brother His Eminence, Shaykh Muhammad ibn Salih Al-`Uthaymin, may Allah guide you to all that pleases Him, Amen!

As-salamu `alaykum warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you!) To proceed:

Attached to my letter to your Eminence is a copy of the document sent to us by His Eminence the Assistant President of the Eastern Region Courts about the Fatwa that you gave to the husband R. `A. concerning the permissibility of resuming his marriage with a new contract and so on. The concerned husband divorced his pregnant wife with one pronouncement of Talaq (divorce pronounced by a husband), then after a few days he divorced her by saying: "She is divorced, divorced, divorced" while intending to execute divorce thrice. Accordingly, His Eminence Judge of the main court in Addammam decided that the Talaq in question is a minor irrevocable divorce (a divorce, after which the man may remarry his irrevocably divorced ex-wife with a new mandatory bride gift and contract).

My opinion is that the issued Fatwa is wrong and you have to revoke it for the following reasons:

First: The husband in question divorced his wife once with one pronouncement effecting Talaq, then he exhausted the remaining times and completed them three by issuing three pronouncements of Talaq after a few days.

Second: There is an Ijma` (consensus of scholars) to the effect that Talaq which is given to a revocably divorced wife is counted. This is stated by Ibn Qudamah in his book Al-Mughny.

Third: There are Shar`y (Islamic legal) proofs for the foregoing, as Allah (Glorified and Exalted be He) says: ﴾The divorce is twice﴿ Then He (Glorified be He) says: ﴾And if he has divorced her (the third time), then she is not lawful unto him thereafter until she has married another husband.﴿ Moreover, it is well-established that saying to a person: "Peace be upon you! Peace be upon you!" is regarded as speaking to him twice. Likewise, saying this thrice is asking for permission thrice. Thus, the same applies to saying to one's wife thrice: "She is divorced, she is divorced, she is divorced" or "You are divorced, you are divorced, you are divorced", this is considered as having divorced the wife thrice, so long as the husband does not mean just to emphasize or clarify his words.

Scholars only differ with regard to the husband's saying: "You are divorced thrice" or "She is divorced thrice" without repeating the statement of divorcing. As it is well-known, the Jumhur (dominant majority of scholars) are of the view that such Talaq is counted and the preponderant opinion is that it is only counted as one Talaq. Proof of this is the well-known Sahih (authentic) Hadith which is narrated by Ibn `Abbas (may Allah be pleased with them both) in this regard. As for the view of Shaykh of Islam Ibn Taymiyyah that Talaq given to a revocably divorced wife does not take effect, unless a new marriage contract is made or the husband takes back his wife, this is a weak opinion that opposes the Shar`y proofs and I do not know of any precedent for or evidence to support it. The fact that one of the Tabi`un (Followers, the generation after the Companions of the Prophet) might have held such an opinion does not change the situation. It is still a wrong view as it contradicts the previously mentioned Shar`y proofs. It is worth mentioning that truth is the sought-after goal of a believer which they must accept wherever they find it and it is well-known that Shaykh of Islam Ibn Taymiyyah (may Allah be merciful to him) is just like other scholars; he may be right or wrong.

Thus, we follow Shaykh of Islam Ibn Taymiyyah only when he is right exactly as we do with regard to all other scholars.

Furthermore, Ibn Al-Qayyim (may Allah be merciful to him) explained this issue of Talaq in detail in his four-volume book "I`lam Al-Muwaqi`in" (p. 38, vol. 3) and differentiated between divorcing one's wife thrice with one pronouncement or more. In support of his view, Ibn Al-Qayyim quoted the Ayahs (Qur'anic verses) of asking permission to enter, Li`an (allegation of adultery against a wife, accompanied by mutual invoking of Allah's Curse/Wrath if lying), and the Hadith on making Tasbih (glorification of Allah) after finishing the Five Obligatory Daily Prayers and when going to bed. Thus, you may refer to the book mentioned above for more information.

I hope you take care of this matter and inform the eminent judge at the main court in Addammam of your revocation of the Fatwa. This is to opt for the truth and follow the Shar`y evidence. May Allah grant you success and guide me, you, and all Muslims to follow the truth in our words and deeds. Verily, Allah is All-Hearer, Ever Near. As-salamu `alaykum warahmatullah wabarakatuh!

Grand Mufty of the Kingdom of Saudi Arabia

and Chairman of Council of Senior Scholars

142- No Talaq takes place through implicit words

unless accompanied by intention

From `Abdul-`Aziz ibn `Abdullah ibn Baz to the respected brother, His Eminence the Director of the Justice Ministry Branch in Ha'il, may Allah guide you to all goodness, Amen!

As-salamu `alaykum warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you!) To proceed:

I received your noble letter no. 1021 dated 24/08/1398 A. H. that you sent in reply to my letter number Kh/1157 dated 11/08/1398 A. H. You mentioned in your letter that the husband R. Sh., his wife, and her father visited your Eminence and that the husband stated that he did not intend any Talaq (divorce pronounced by a husband) by saying to his wife: "Be covered." He did not intend any Talaq as well by telling her: "If she finds a good man, she may accept him." The husband declared, as your Eminence mentioned in your letter, that he would say such things only to threaten and refine his wife.

Thus, I inform you that based on the foregoing and the concerned husband's confession in his attached letter that he divorced his wife during her pregnancy, according to the Shar`y (Islamic legal) manner, then he immediately revoked the Talaq, and that his wife and her father affirmed

this; I gave him a Fatwa (legal opinion issued by a qualified Muslim scholar) that only one Talaq took place; the one that was made by explicit pronouncement, and his taking her back in marriage is valid. On the other hand, the husband's saying to his wife: "Be covered," or telling her that when she finds a good man, she may accept him, this does not effect Talaq, for the above-mentioned phrases are implicit allusions that were not accompanied by intention of Talaq. Thus, no Talaq takes place by them, according to the more correct of the two opinions maintained by scholars. Therefore, I hope that Your Eminence will inform all the concerned parties of this Fatwa. May Allah reward you with the best for your efforts! As-salamu `alaykum warahmatullah wabarakatuh!

General Chairman of the Departments of Scholarly Research,

Ifta', Da`wah, and Guidance

143- The preponderant scholarly opinion is that only one Talaq takes place through implicit words of divorce

From `Abdul-`Aziz ibn `Abdullah ibn Baz to the respected brother His Eminence the President of Courts of Ha'il, may Allah guide you to all goodness, Amen!

As-salamu `alaykum warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you!) To proceed:

I received your noble letter no. 593 dated 21/03/1394 A.H. Your Eminence mentioned that the husband M. S. visited you and confessed that he divorced his wife by telling her: "Get out, you are not under my custody." His wife then told him: "This is not sufficient," so he said to her: "I divorce you with sixty pronouncements." One day later, the concerned husband revoked the Talaq (divorce pronounced by a husband). He did not issue any other Talaq apart from what was mentioned. The wife's father affirmed that. In addition, the wife's father informed you of his daughter's desire to resume the marriage with her husband if there is a Fatwa (legal opinion issued by a qualified Muslim scholar) that allows it. You also registered the testimony of the two witnesses who certified that the Talaq was revoked one day after it had taken place.

Based on the above-mentioned facts, I issued a Fatwa to the concerned husband that two pronouncements effecting Talaq have occurred; the first one by the husband's saying to his wife:

"You are not under my custody" and the second by his saying to her: "I divorce you with sixty pronouncements." There only remains one Talaq pronouncement (before his wife is irrevocably divorced). This is because it is authentically reported from the Prophet (peace be upon him) what signifies that the second Talaq which the husband in question gave is counted as only one pronouncement of Talaq. This occurrence of Talaq is to be added to the first one which took place when the husband said to his wife: "You are not under my custody." This comes under the ruling of implicit Talaq, where implicit words of Talaq, according to the preponderant scholarly opinion, are counted as only one occurrence of Talaq. Consequently, the revocation of Talaq mentioned is valid.

I hope you will inform all the concerned parties of this Fatwa and that you enjoin the husband to make Tawbah (repentance to Allah) for divorcing his wife in this manner, for it is known that such way of Talaq is Munkar (unacceptable or disapproved of by Islamic law and Muslims of sound intellect). May Allah reward you with the best for your good efforts! As-salamu `alaykum warahmatullah wabarakatuh!

144- Implicit words of Talaq supported by indicative evidence counts as Talaq

From `Abdul-`Aziz ibn `Abdullah ibn Baz to the respected brother, His Eminence the Judge of Muha'il, may Allah protect and support you, Amen!

As-salamu `alaykum warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you!) To proceed:

I received your noble letter no. 955 dated 05/09/1392 A.H. I read the paper you attached to this letter in which you recorded the manner of the Talaq (divorce pronounced by a husband) that was given by the husband `A. M. to his wife. This paper reads as follows: [All praise be to Allah Alone, and peace and blessings be upon the Last Prophet. I am the Judge of the Court of Muha'il and I inform your Eminence that the husband `A. M. came to me along with A. Sh., the Waliy (a legally accountable person acting for a woman regarding marriage issues) of his previous wife, and the divorcee. The concerned husband delivered a letter to me that was sent to him by His Eminence Shaykh `Abdul-`Aziz ibn `Abdullah ibn Baz no. 1674 dated 12/09/1390 A.H. to the effect that the husband, his ex-wife, her Waliy, and the registrant had to visit me to discuss the content of the letter of the Eminent Shaykh. Thus, the husband `A said: "She was my wife, but a dispute arose between us so I said to her: You are divorced!" The registrant said: "You have to make her hear the pronouncement of divorce."

Thus, I said to her: "You are divorced." I intended by this to emphasize the first Talaq (divorce pronounced by a husband). I then revoked the Talaq and took her back. Afterwards, a dispute and a conflict arose between my wife and I, and I said to the registrant: "Write down for her, for I excuse her." I intended by this to avoid her evil. After four months, I revoked the Talaq. We continued to be married for a period of time then she fell ill, so I divorced her." However, the registrants who recorded the case of Talaq passed away. The divorcee and her Waliy affirmed all that was said in the presence of the two witnesses].

Based on all the foregoing, the husband in question is not permitted to remarry his ex-wife unless she first marries another man. This is because it is clear from the actual events that he divorced his wife three times at three different occasions. Moreover, his saying that he did not intend Talaq in the second time when he asked the registrant to write down for his wife, does not seem correct. This is because the wife asked him to divorce her, and thus he ordered the registrant to write it down for her and he did. The ruling is the same whether the Talaq written down was in explicit or implicit words. I hope that your Eminence will inform all the concerned parties of this Fatwa. May Allah reward and grant you success! As-salamu `alaykum warahmatullah wabarakatuh!

(Part No. 21; Page No. 313)

145- Intention is rejected if it contradicts an explicit pronouncement of Talaq

Your Eminence, Shaykh `Abdul-`Aziz ibn Baz, may Allah protect you, Amen! I have a wife and six male and female children. I divorced my wife one time in 1385 A.H. after having an angry quarrel with her; to discipline her, in order that she may treat me well. Then in 1386, she distressed me, so I divorced her for the second time, but I did not take her out of my house. I also did this as a way of discipline. Then on 27 Dhul-Qa`dah/1387, she again enraged me until I said to her: "Go back to your family and consider yourself a divorcée and by Allah, you will not return to me once again." I meant that she would depart at the time of anger to avoid the third time of Talaq (divorce pronounced by a husband). I said this out of infuriation. "Truly! To Allah we belong and truly, to Him we shall return." I ask for Allah's Forgiveness and repent to Him of every sin. Then she said: "Seek refuge with Allah from Satan and do not drive me and my children out of my home." I did seek refuge from Satan. I did not intend Talaq by this saying, relying on Allah and the Hadith of the Messenger of Allah (peace be upon him): (Actions depend upon intentions, and each person will have but that which he intended.) **I swear by Allah Whom none has the right to be worshiped but Him that I did not mean to divorce my wife. Is this speech considered Talaq, even with no intention on my part?**

(Part No. 21; Page No. 314)

Please give me your Fatwa (legal opinion issued by a qualified Muslim scholar). May Allah reward you with the best!

From `Abdul `Aziz ibn `Abdullah ibn Baz to the honorable brother `A, may Allah guide you to all goodness, Amen!

As-salamu `alaykum warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you!) To proceed:

Dear brother, I have received your letter dated 26/2/1388 A.H. in which you ask about the pronouncements of Talaq you made. The opinion that seems correct to me is that your wife has been irrevocably divorced by you. She is not lawful for you until she marries another husband, for you have divorced her three times on separate occasions. To say that in the third time of Talaq you did not intend it, this is not right; as you said to her: "Go back to your family and consider yourself a divorcée." This is a clear expression of Talaq and if the intention contradicts the clear expression, it does not count. May Allah give you a better wife than her, and her a better husband than you. May Allah set right the affairs of all! He is the Most Generous, the All-Bountiful. As-salamu `alaykum warahmatullah wabarakatuh!

146- Ruling on saying:

"Take her and her furniture as I can no longer stand her"

From `Abdul-`Aziz ibn `Abdullah ibn Baz to the respected brother A.A., may Allah protect and watch over you, Amen!

As-salamu `alaykum warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you!) To proceed:

I received your letter no. 1968 dated 17/12/1392 A.H. I have read what the husband and his father-in-law informed you about. The said husband used illusive words which are suggestive of Talaq (divorce pronounced by a husband), but he did not expressly declare it. You asked him about this matter and he replied that the reality is as he mentioned to you. He told her father to take his daughter and her furniture as he can no longer stand her. He swore that he did not intend by saying so to divorce her, but wanted her father to take his daughter to discipline and instruct her in marital life.

Consequently, I issued a Fatwa to the husband referred to that no Talaq (divorce pronounced by a husband) took place and that the woman in question is still his wife. This is because the words mentioned are not explicit pronouncements of Talaq.

Furthermore, the husband knows best his own intention. It was authentically reported that the Prophet (peace be upon him) said: (Actions depend upon intentions, and each person will have but that which he intended.) Please inform the wife's father of this Fatwa and let him advise the wife to treat her husband kindly and to cooperate in righteousness and piety. Also, he should advise his son-in-law to live with his wife in kindness. May Allah reward you and repay your efforts! As-salamu `alaykum warahmatullah wabarakatuh!

147- Saying: "You are no longer lawful to me" is among implicit words of Talaq

The husband, Mr. A., came to me along with two witnesses, according to their confession, and the maternal aunt of one of them as they claimed. The husband said that he became angry at his wife eight years ago and he said to her: "You are no longer lawful to me" intending to divorce her and he did not divorce her before or after that. We asked the wife who certified what he said, and the two witnesses said that they do not know that the husband divorced his wife except the time he admitted.

Accordingly, I gave a Fatwa to the husband and wife referred to that he his words count as one pronouncement effecting Talaq (divorce pronounced by a husband) and that he is allowed to take her back by concluding a new marriage contract that meets the Shar`y (Islamic legal) conditions. This is because his saying is among the implicit words of Talaq, according to the preponderant opinion of scholars. In addition to the fact that the husband intended to divorce his wife through this statement and such intention takes effect. However, implicit words of Talaq like the above-mentioned or others count as one occurrence of divorce, according to the most correct opinion of scholars.

This is stated and affirmed by Allah's Slave, `Abdul-`Aziz ibn `Abdullah ibn Baz, may Allah forgive him! May Allah's Peace and Blessings be upon His Slave and Messenger, and upon his family and Companions!

148- Ruling on saying to the wife: "You are free"

From `Abdul `Aziz ibn `Abdullah ibn Baz to the honorable sister in faith, Z. M. H., may Allah guide you and protect you from the evil of yourself!

As-salamu `alaykum warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you!) To proceed:

I have read your letter and understood your explanation of the divorce your husband pronounced; meaning first that he took an oath of Talaq (divorce pronounced by a husband) not to enter the house of his sister, then he did. Second, he took an oath of Talaq that you should not leave the house and his little daughter told him that you did and he believed her. Third, when he saw his daughter leaving the house of the neighbor, he wondered how she had done so and the neighbor told him that her mother gave her permission, consequently, he (your husband) said angrily: "Her mother is free," meaning divorced. You say that you did not leave your house and did not give your daughter permission. You asked your husband about this and he said that he did not know what actually happened; he divorced you the third time thinking the neighbor had said the truth; your husband said that the neighbor was not sure that you had given your daughter permission, he just said what he thought.

Based upon all this, I gave the husband a Fatwa (legal opinion issued by a qualified Muslim scholar) to the effect that only the first time of Talaq has taken place. The second and third time of Talaq, are not counted, if you are true in what you said. It is a matter between you and Allah (Glorified be He) Who knows what is deep inside us.

There is nothing wrong with your husband having sexual intercourse with you if the matter is as he said - Allah Alone will bring all people to account - as you are still married to him. Deeds depend on intentions. If in the third time he pronounced Talaq by saying: "Her mother is free," he meant that you are divorced if you gave your daughter permission and you did not, then the condition has not occurred, so no Talaq took place. May Allah (Glorified and Exalted be He) guide all to what pleases Him. As-salamu `alaykum warahmatullah wabarakatuh!

149- Issue on Talaq not taking effect through implicit words

unless the intention exists

From `Abdul-`Aziz ibn `Abdullah ibn Baz to the honorable brother, Emir of Al-Swaydirah, may Allah grant you success to do every good, Amen!

As-salamu `alaykum warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you!) To proceed:

Dear brother, I received your letter no. 42 dated 2/2/1387 A.H. including your reference to the Waliy (a legally accountable person acting for a woman regarding marriage) and the husband of the wife. We asked the mentioned Waliy about what the husband avoided to say, and he replied that he previously sent his wife to her family without knowing the reason behind it; was it a fit of anger or out of hate, but he brought her back later on. Afterwards, he told her some improper words ordering her to go to her family, according to what he was informed of. Then, the husband returned to his family house and pronounced the last Talaq (divorce pronounced by a husband) mentioned in our attached letter no. 64 dated 13/1/1387 A.H. By asking the husband about what the Waliy mentioned; he replied that he truly sent her to her family in a fit of anger and brought her back again without uttering Talaq, and this is what he told her after she returned home.

They then had a fight again and she called her family, so he spoke some improper words to her ordering her to go to her family. We asked him about his intention, and he replied that he did not intend Talaq, and no one can verify his intention except him. We can not affirm the occurrence of Talaq through the utterance of such words, unless he intended so. This is according to the saying of the Prophet (peace be upon him): ﴿Actions depend upon intentions, and each person will have but that which he intended.﴾

As for the first fight when the wife went to her family, no consequences ensue, since the husband did not pronounce Talaq, according to his statement and that of the Waliy. Rather, as he said, he did that out of hate or anger as previously mentioned. So, sending her back to her family should not be counted as Talaq, as long as the husband did not give any Talaq. However, the last Talaq is the only one to be counted, and we told you that it is considered one pronouncement effecting Talaq, after which he took her back according to the attestation of a group of Muslims. Therefore, the case remains as it is and the woman is still his wife. I hope that you would confirm this. May Allah support you! As-salamu `alaykum warahmatullah wabarakatuh!

Vice President of the Islamic University

`Abdul-`Aziz ibn `Abdullah ibn Baz

150- Talaq does not take place by mere intention without pronouncing or writing it

From `Abdul-`Aziz ibn `Abdullah ibn Baz **to the honorable brother S. M. A., may Allah guide you to every good work, Amen!**

As-salamu `alaykum warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you!) To proceed:

I have received your letter dated 24/1/1393 A.H. that states that you were angry with your wife, so you intended to be separated from her, but you did not utter Talaq (divorce pronounced by a husband), and you only withdrew from her. You are asking for Fatwa.

A: If the matter is as you mentioned, no Talaq has taken effect, as Talaq does not occur by intention; rather, it must be pronounced in words or writing. The Prophet (peace be upon him) said: ﴾Allah has forgiven my followers the thoughts that occur to their minds, as long as such thoughts are not put into action or uttered.﴿ May Allah guide us all! As-salamu `alaykum warahmatullah wabarakatuh!

(Part No. 21; Page No. 323)

151- Ruling on the husband saying to his wife:

"Cover your hair before me and go away"

From `Abdul-`Aziz ibn `Abdullah ibn Baz to the respected brother, the Head of the Court of Al-Jawf, may Allah grant you success, Amen!

As-salamu `alaykum warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you!) To proceed:

I received your letter no. 123 dated 16/1/1392 AH., and I understood what you proved concerning the Talaq (divorce pronounced by a husband) that took place between the husband A. and his wife. Accompanied by his wife and her brother who acted as her Waliy (a legally accountable person acting for a woman regarding marriage), the husband came to you to tell what happened. He confessed that due to a quarrel that occurred between him and his wife on 25/11/1391 A.H. he said: "By Allah, you will not be a wife to me forever." He intended to divorce her even if after a while, not at the present time. She asked him to divorce her and he did by saying: "Cover your hair before me and go away." You asked the husband whether he meant by these words to divorce his wife and he replied in the affirmative. He added that he meant one pronouncement of Talaq and this was the first time to divorce her. He revoked the Talaq and took his wife back on 29/11/1391 A.H.

(Part No. 21; Page No. 324)

The Waliy confessed that he has no objection to what the husband mentioned nor to the wife returning to her husband. The wife also confessed that her husband, after the quarrel was over, said: "Cover your hair", but she did not. He repeated the same words thrice and then went out. The wife went to her family house. She has no objection to return to her husband. Accordingly, I issued a Fatwa to the husband referred to above that in consequence of the account given one pronouncement effecting Talaq took place and that his taking his wife back in marriage is valid. Two pronouncements of Talaq are left for him (before his wife is irrevocably divorced). Please inform all concerned parties of this Fatwa. May Allah reward and grant you success! As-salamu `alaykum warahmatullah wabarakatuh!

(Part No. 21; Page No. 325)

152- Ruling on saying: "Your daughter is not under my custody"

From `Abdul-`Aziz ibn `Abdullah ibn Baz **to the honorable Judge of Al-Hayit and adjacent districts, may Allah guide you to all goodness, Amen!**

As-salamu `alaykum warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you!) To proceed:

Dear brother, a person who called himself A. came to me and narrated that he got angry with his wife while he was sick and said to her father: "Your daughter is not under my custody," and that he did not know that he said this except from his uncle and after that he took her back in marriage twenty days after this incident of Talaq (divorce pronounced by a husband).

He showed me the answer your Eminence gave on this issue, as you considered the implicit words of Talaq he said to be triple Talaq, even if he intended only one. However, there are some matters that should be taken into consideration in this regard: (a) The man, according to his words, did not know that he said this except from his uncle. (b) The Sahabah (Companions of the Prophet) and scholars after them differed with regard to the times of Talaq that take effect by explicit metonymy, and the explicit and implicit metonyms used to denote Talaq. (c) There is a Hadith narrated by Ibn `Abbas (may Allah be pleased with them both) stating that triple Talaq in the lifetime of the Prophet (peace be upon him), Abu Bakr and two years of the Caliphate of `Umar was counted as one pronouncement of Talaq.

(Part No. 21; Page No. 326)

(d) The opinion held by Imam Ahmad in one of two transmitted reports, which is consistent with the Madh-hab (School of Jurisprudence) of Al-Shafi`y (may Allah be merciful with him), Abu Hanifah and As-hab-ul-Ra'y (scholars, especially the Hanafys, who exercised personal reasoning to reach judgments in the absence of clear texts) that the consequences of using metonymy to denote Talaq are according to the intention of the husband, even if explicit words are used. If his sole intention is Talaq itself, it will be counted as one time; Shaykh Taqy Al-Din and Shaykh Muhammad ibn `Abdul-Wahhab (may Allah be merciful with them) approved that only one Talaq takes effect through metonymy. (e) The phrase which that husband used is more likely to be an implicit statement of Talaq, if he remembers it and meant divorcing his wife by it. In the light of all this, I opted to write to Your Eminence and recommend you to revoke the Fatwa issued to the husband and bring him and his uncle and ask them about the reality of what happened and whether the husband remembers what he said and meant Talaq by it or that he did not know this except from his uncle. Also, he should be asked if there were any precedent occurrences of Talaq and then inform me of what you decide in order to give him the relevant Fatwa. Indeed, I mean by this nothing but goodness for you and Muslims and to bring both spouses together again as much as possible in the Shar`y (Islamic legal) manner. This is most required since the original ruling is the continuity of marriage; therefore, it should not be broken, especially irrevocably, except with decisive clear evidence. I ask Allah to excuse all of us and make us and you among those who abide by the truth. I ask Him to grant us and

you comprehension of religion and sincerity to Him and His Slaves, for He is the Most Generous, the All-Bountiful. As-salamu `alaykum warahmatullah wabarakatuh!

153- Ruling on the husband saying to his wife:

"Take your belongings and go to your parents"

In the presence of the wife's Waliy (a legally accountable person acting for a woman regarding marriage), the said husband confessed that he quarreled with his wife on Tuesday corresponding to 14/3/1393 A.H. He said to her: "Take your belongings and go to your parents". These words were repeated thrice with the intention of divorcing his wife. He did not mean a triple irrevocable divorce or other. He only intended divorcing his wife and repeated the words to make it comprehensible. He did not divorce his wife before or after this incident. You asked the wife's Waliy about this matter, who affirmed that he was absent at the time of the incident. Yet, his daughter told him that she heard her husband saying: "Take your belongings and go to your parents" and repeated it thrice as the husband said. The Waliy added that her husband did not divorce her before or after this incident as far as the daughter and her father know.

Consequently, I issued a Fatwa to the concerned parties that one pronouncement effecting Talaq (divorce pronounced by a husband) took place based on the related account and that the husband may revoke the Talaq so long as her `Iddah (woman's prescribed waiting period after divorce or widowhood) has not expired. The Shar`y (Islamic legal) evidence indicates the permissibility of this. The husband, in the presence of the wife's father and a group of Muslims, took her back in marriage and so she remains as his wife. We advised him to fear Allah and treat his wife kindly. We also asked him to stay away from causes of anger and to seek refuge with Allah from

Satan's whispers, if any.

This is stated by the humble servant in need of Allah's Forgiveness `Abdul-`Aziz ibn `Abdullah ibn Baz, President of the Islamic University in Madinah. May Allah forgive him! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

(Part No. 21; Page No. 329)

154- Ruling on saying:

"You are forbidden to me and I cannot stand you"

From `Abdul-`Aziz ibn `Abdullah ibn Baz to my dear brother, Judge of Al-`Ard Al-Janubiyyah Court, may Allah guide you to all goodness, Amen!

As-salamu `alaykum warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you!) To proceed:

Dear brother, I received your letter no. 262 dated 10/3/1390 A.H. in answer to my letter sent to the judge of Hijaz Bilqarn no. 1/2526 dated 12/12/1389 A.H. I have read the copy attached therewith of the divorce paper from H.M. to his wife. They quarreled, so he said to her: "You are forbidden to me and I cannot stand you." This took place three years ago, and he never divorced her again ever since that time. The Waliy (a legally accountable person acting for a woman regarding marriage) of the wife, who is her brother, confirmed this. After listening to the husband, the brother, and the two witnesses,

I gave a Fatwa (legal opinion issued by a qualified Muslim scholar) to the husband that he

(Part No. 21; Page No. 330)

has divorced his wife once through his above-quoted words, and he may take her back in marriage by force of a new marriage contract meeting the Shar`y (Islamic legal) conditions, as her `Iddah (woman's prescribed waiting period after divorce or widowhood) has ended, unless the husband has intended with these words both Tahrim (declaring one's wife no longer lawful in marriage) and Talaq (divorce pronounced by a husband). In this case, he has to pay Kaffarah (expiation) for Zhihar (a man likening his wife to an unmarriageable relative) whose sequence of priority is well-known to Your Eminence. Since one pronouncement effecting Talaq took place in consequence of his saying: "I cannot stand you" please ask him about his intention and verify it, then notify him and the Waliy with the stated Fatwa. May Allah reward you and bless your efforts! As-salamu `alaykum warahmatullah wabarakatuh!

(Part No. 21; Page No. 331)

155- Ruling on the husband saying to his wife:

"Cover your face"

From `Abdul-`Aziz ibn `Abdullah ibn Baz to the honorable brother, His Excellency M. A. M., may Allah guide you to all goodness, Amen! As-salamu `alaykum warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you!)

Dear brother, Mr. N. M. wrote to me saying that he declared his wife no longer lawful in marriage and after that he wrote to her that she is divorced thrice and he asked me for a Fatwa over this case and I ordered him in letter no. 2163 dated 7/12/1392 A.H. to come with the Waliy (a legally accountable person acting for a woman regarding marriage) of his wife to Your Eminence in order to give an account of the incident and to know whether Talaq (divorce pronounced by a husband) was carried out with one pronouncement or more; and if it is more than one pronouncement, what are the used words and was there any preceding incident of Talaq before this and to know whether he wants to take her back, if Shari`ah (Islamic law) allows this. Then, I received your letter in which you clarified that the referred-to husband came to you along with the Waliy of his divorced wife, who is his uncle, and that by questioning the uncle he maintained that he was not present at the time of Talaq, but the wife said that her husband returned home from work and beat one of his children and she quarreled with him about that so he said to her: "Cover your face," and that nothing happened other than that. You maintained that it appeared to you that the woman did not

(Part No. 21; Page No. 332)

remember what had happened due to being weak-minded or that she did not say the truth out of an evil intention. However, she and her Waliy want to return to the husband, if this is allowed by Shari`ah. Your Eminence also mentioned that the husband said that he used the word "Haram (unlawful)" at first to calm her down and did not intend to divorce her, and about a month later he divorced her thrice with one pronouncement and that he divorced her once before that time. I read the divorce document included in the letter written by A. M. dated on 28/6/1392 A.H. which included the following: "The husband declared while he is in a legally sound condition and that he divorced his wife thrice on 8/1/1391 A.H. and he asked me to write this paper on his behalf, in absentia, and I certified this."

In the light of what is mentioned, I gave a Fatwa to the referred-to husband that the last Talaq he pronounced is counted as one time, which is to be added to the previous time of Talaq and therefore, he is allowed to take back his wife as long as she is in her `Iddah (woman's prescribed waiting period after divorce or widowhood). If the `Iddah has ended, she is not lawful to him except with a new marriage contract that meets all the Shar`y (Islamic legal) conditions. There is a Sahih

(authentic) Hadith reported on the authority of Ibn `Abbas (may Allah be pleased with them both) which indicates that divorcing the wife thrice with one pronouncement is regarded as one time of Talaq, as it is well-known. The husband should offer Kaffarah (expiation) for Zhihar (a man likening his wife to an unmarriageable relative), due to saying that his wife is "Haram" to him. He should repent to Allah for divorcing his wife this way and for declaring her no longer lawful in marriage, as both of them are impermissible acts, as your Eminence knows well. I hope that you inform them of the stated Fatwa. May Allah reward you and repay your efforts! As-salamu `alaykum warahmatullah wabarakatuh!

156- Ruling on saying: "You are divorced thrice"

From `Abdul-`Aziz ibn `Abdullah ibn Baz to the respected brother Shaykh `A. S. S., may Allah grant you success, Amen!

As-salamu `alaykum warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you!) To proceed:

Dear brother, I received your letter dated 6/4/1390 A.H. in answer to my letter no. 521 dated 2/4/ 1390 A.H. I understood the way Mr. `A. divorced his wife. He said to her: "You are divorced thrice," and he has never divorced her before or after that. However, he revoked the Talaq (divorce pronounced by a husband). This is after listening to the statements of the husband and the father of his divorcée.

Accordingly, I issued a Fatwa to the husband that one pronouncement effecting Talaq has taken place in consequence and his taking her back in marriage is valid, if the case was proven by clear evidence or by the woman's testimony. There are Sahih (authentic) Hadiths reported from the Prophet (peace be upon him) that support the issued Fatwa. Please inform all concerned parties of this. The husband should be asked to make Tawbah (repentance to Allah) of divorcing his wife this way, for as your Eminence knows such way of Talaq contradicts the Sunnah. May Allah reward you with the best for your good efforts and support to every body! As-salamu `alaykum warahmatullah wabarakatuh!

(Part No. 21; Page No. 334)

(Part No. 21; Page No. 335)

Chapter on different scholarly opinions on numbers of Talaq

(Part No. 21; Page No. 336)

(Part No. 21; Page No. 337)

157- Ruling on the husband saying to his wife:

"You are unlawful to me; you are divorced, divorced, divorced"

From `Abdul-`Aziz ibn `Abdullah ibn Baz to my honorable brother, Shaykh A.M.S., may Allah guide you to all goodness, Amen!

As-salamu `alaykum warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you!) To proceed:

Dear brother, I received your letter dated 17/7/1390 A.H. in answer to my letter no. 1224 dated 9/7/1390 A.H. I understood the way Mr. A.K. divorced his wife. He said to her at a time when he was angry: "You are unlawful to me; you are divorced, you are divorced, you are divorced", and he had never divorced her before. After listening to the husband, his divorcee, their twenty-year-old son, and her brother A. A. who was her Waliy (a legally accountable person acting for a woman regarding marriage) before her son became of age, the husband admitted that he did not intend triple divorce or other, and he has never divorced her before, as mentioned in my letter no. 1224 dated 9/7/1390 A.H.

Accordingly, I issued a Fatwa to the husband referred to that one pronouncement effecting Talaq (divorce pronounced by a husband) has taken place in consequence of his words.

(Part No. 21; Page No. 338)

The second and third pronouncements are considered confirmation of the first. He may take her back in marriage if she is still in her `Iddah (woman's prescribed waiting period after divorce or widowhood). But if she has finished her `Iddah, it is unlawful to take her back except by force of a new marriage contract meeting the Shar`y (Islamic legal) conditions. He has also to pay Kaffarah (expiation) for Zhihar (a man likening his wife to an unmarriageable relative), as he declared his wife no longer lawful in marriage. Surely, your Eminence knows its sequence of priority. Moreover, he must not touch his wife until he has paid the Kaffarah. Please notify all concerned parties of this. May

Allah reward you and bless your efforts!

As-salamu `alaykum warahmatullah wabarakatuh!

158- Ruling on repeating the pronouncement of Talaq

to assert it or make it comprehensible

From `Abdul `Aziz ibn `Abdullah ibn Baz to the honorable brother, the Chief Justice of Al-Bahah Courts. May Allah grant you success, Amen!

As-salamu `alaykum warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you!) To proceed:

Dear brother, I received your letter no. 3019 dated 7/11/1398. I have examined the attached paper which contains the husband's confession that he divorced his wife by saying, "You are divorced, you are divorced," and that he had not divorced her before or after that. It also contains the wife's confirmation of this; and the testimony of her Waliy (a legally accountable person acting for a woman regarding marriage), who is her brother, that he was not present when the Talaq (divorce pronounced by a husband) took place and that he does not know whether another Talaq took place before or after that.

Accordingly, I issued a Fatwa (legal opinion issued by a qualified Muslim scholar) to the husband that the words he uttered are considered two pronouncements effecting Talaq, each pronouncement is a separate occurrence of Talaq, unless he only meant to confirm that she is divorced, or make it comprehensible, then it is considered as only one pronouncement effecting Talaq, and the second pronouncement is affirmation of the first and no other Talaq takes effect through it.

This is in accordance with the opinion of the scholars under the chapter on different scholarly opinions regarding the number of pronouncements of Talaq. The husband can take her back in marriage, as long as she is in her `Iddah (woman's prescribed waiting period after divorce or widowhood). If her `Iddah ended, she is not lawful for him except with a new marriage contract meeting the Shar`y (Islamic legal) conditions. I hope Your Eminence will take the necessary procedures accordingly and inform all parties of this Fatwa. May Allah reward you with the best! As-salamu `alaykum warahmatullah wabarakatuh!

General Chairman of the Departments of Scholarly

Research, Ifta', Da`wah, and Guidance

159- Ruling on saying to the wife: "You are divorced, you are divorced"

A husband came to me and confessed that he was enraged by his wife and said to her: "You are divorced, you are divorced." This took place a year ago, then he took her back in marriage. Again on 14 Muharram, 1390, he was enraged by his wife and divorced her one time. Asking her father, he said that he did not know about the first divorce. He asked his daughter about it and she confessed that it took place as the way her husband pronounced it. Asking the husband about his intention in the first divorce, he answered that he meant nothing and repeated the phrase because he was infuriated. They both confessed that this was all the husband did.

Based upon the wife's confession, I gave the husband a Fatwa (legal opinion issued by a qualified Muslim scholar) that in the first pronouncement of divorce, only one time of divorce is counted, and the second pronouncement is considered confirmation of the first and the last time of divorce is counted another one. So there remains only one pronouncement of divorce. It is permissible for him to take her back in marriage as long as she is in her `Iddah (woman's prescribed waiting period after divorce or widowhood). He already did so in the presence of her father and a group of Muslims,

so she is considered married to him. Written by the humble servant in need of his Lord's Forgiveness, `Abdul-`Aziz ibn `Abdullah Ibn Baz, Deputy President of the Islamic University in Al-Madinah Al-Munawwarah. May Allah forgive him! May Allah's Peace and Blessings be upon his Servant and Messenger Muhammad, his family and Companions.

160- Ruling on saying

"You are divorced, divorced, divorced", i.e. three times, but not intending three times of divorce

A man and his wife came to me along with a Shaykh and the husband confessed that he said to his wife eight years ago, "If you go out the door, you will be divorced." He meant to warn her about going out not intending to effect Talaq (divorce pronounced by a husband). However, she went out. The husband also confessed that he said to her, "You will be divorced if you go to your father's house within three months," and she went after fifteen days. He also mentioned that he meant to warn and prevent her from doing this and not effecting Talaq. He also confessed that he said to her, "You are divorced, divorced, divorced," but he did not have the intention to effect three times of divorce on her, so he took her back in marriage. Moreover, he confessed that he said to her, "If you speak ill of my mother, you will be divorced." He intended to warn her against doing so but not to effect Talaq, but she did. He also mentioned that he sent her back to her family without pronouncing Talaq, but he intended it, then he took her back to his home. Asking the wife about all this, she agreed with him and said that she does not know whether he divorced her or did any thing to the same effect.

Accordingly, I gave them a Fatwa (legal opinion issued by a qualified Muslim scholar) to the effect that the husband in question has to offer Kaffarah (expiation) three times for the first, second and fourth pronouncements of Talaq, because they take the ruling of an oath. I also said to them that the three utterances of Talaq, when he said to her, "You are divorced, divorced, divorced," is considered one time of Talaq, and the second and third pronouncements are just emphasis of the first one and they do not count, because he did not intend them. This is based on the scholars' opinion on such phrases, i.e. the different the numbers of Talaq. As for the fifth time, it is better to consider it a second pronouncement of Talaq, to be on the safe side, added to the first time of Talaq. Thus, there is only one pronouncement of divorce remaining. His taking her back in marriage is valid. I have advised them to treat each other well, to steadfastly fear Allah and beware of the causes of Talaq. May Allah set right their affairs and grant us good end. Written by the poor Servant seeking Allah's Forgiveness, `Abdul-`Aziz ibn `Abdullah Ibn Baz, Chairman of the Departments of Scholarly Research, Ifta', Da`wah, and Guidance.

161- Repeating the utterance of Talaq to make it comprehensible counts as only one

From `Abdul-`Aziz ibn `Abdullah Ibn Baz to the honorable brother, His Eminence Shaykh, Judge of Biljirshy. May Allah grant you success. Amen.

As-salamu `alaykum warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you.)

I received your letter, no 864, on 15 Jumadah II, 1392, in reply to my letter no. 1069, on 6 Safar, 1392 A.H. I have looked into the attached bill of evidence which includes the attendance of the husband and his brother-in law and the testimony of the said brother-in-law that his sister's husband said to him, "Your sister is divorced, your sister is divorced." Then the said husband went to the wife of his brother-in-law and said to her, "My wife is divorced." She replied, "Seek refuge with Allah against Satan," and again he said, "My wife is divorced." You asked the husband about this and he said that he repeated this utterance just to make it comprehensible to his brother-in-law and the latter's wife. He only intended one pronouncement of Talaq (divorce pronounced by a husband).

Based upon the testimony and the husband's answer, I inform Your Eminence that what the husband said is to be accepted as true, and thus, only one time of Talaq is counted,

for he knows best what his intention was. This is according to the scholars. To be on the safe side, it is permissible to put him on oath, if the wife asked for this. I hope you will inform her and her Waliy (a legally accountable person acting for a woman) of this Fatwa (legal opinion issued by a qualified Muslim scholar). May Allah reward you with the best and bless your steps. As-salamu `alaykum warahmatullah wabarakatuh.

Note: The husband took her back in marriage in my presence as mentioned in the previous letter dated on 15 Jumadah II, 1392. She must be asked whether she was at the time of her `Iddah (woman's prescribed waiting period after divorce or widowhood) or finished it, then do the necessary legal procedures. May Allah reward you with the best!

President of the Islamic University

162- The pronouncements of divorce after the first one are meant for emphasis

From `Abdul-`Aziz ibn `Abdullah Ibn Baz to the honorable brother, head of the court of Bishah, may Allah guide you to all goodness. Amen.

As-salamu `alaykum warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you.)

Dear brother, I read your letter no. 676 dated 3/4/1390 A.H. and the attachments therewith that include documentation of the divorce pronounced by the husband to his wife. He divorced her by saying, "You are divorced, divorced, divorced, divorced." He never divorced her before or after this. His wife confirmed this, and admitted that she had three menstrual periods after this divorce. Her brother confirmed that her husband has never divorced her before or after this, but he was not there when the divorce took place; his sister told him. Having listened to the husband, his divorced wife and her Waliy (a legally accountable person acting for a woman seeking marriage); as the husband admitted that his wife grasped him by the neck and asked him to divorce her,

so he divorced her to get rid of her evil. He repeated the words of divorce out of anger, but he did not intend the three times of divorce; and as two witnesses testified that this man is a good person as mentioned in the attachment.

Accordingly I gave a Fatwa (legal opinion issued by a qualified Muslim scholar) to the husband that he has divorced his wife once, and he may return to her by force of a new marriage contract, because she has finished her `Iddah (woman's prescribed waiting period after divorce or widowhood). The other pronouncements of divorce are considered confirmation of it and they have no effect as mentioned by the scholars in this case. Please notify everyone with this Fatwa. May Allah reward you and bless your efforts. As-salamu `alaykum warahmatullah wabarakatuh.

163- Ruling on uttering the words "You are divorced, you are divorced, you are divorced" while the husband does not intend a three-fold divorce or any other

From `Abdul-`Aziz ibn `Abdullah Ibn Baz to the respected brother, Head of the Supreme Court in Ta'if. May Allah grant you success. Amen

As-salamu `alaykum warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you.)

I received your letter, dated 12/10/1394 AH, no. 1676, and I read what you stated concerning the attendance of a husband, his wife and her Waliy (a legally accountable person acting for a woman seeking marriage) with you. The wife and her Waliy asserted the words the husband uttered to effect the divorce. In a fit of anger, he divorced his wife, saying: "You are divorced, you are divorced, you are divorced." By asking the husband about his intention when he repeated these words three times, he replied that he did not intend to declare a three-fold divorce or any other. He did so because he was outraged.

Consequently, you issued a Fatwa to the father that one pronouncement of divorce is effected and that he may revoke the divorce so long as her `Iddah (woman's prescribed waiting period after divorce) has not expired. The repetitions the husband uttered to declare the divorce were meant to assert

the first pronouncement of divorce, not to effect anything else. It is well-known that this view is held by the scholars in the section dealing with dispute over of the number of pronouncements of divorce. The wife and her Waliy should be informed of this Fatwa. May Allah reward you the best for your efforts. As-salamu `alaykum warahmatullah wabarakatuh.

(Part No. 21; Page No. 351)

164- Ruling on whoever says to his wife: "You are divorced, you are divorced, you are divorced and unlawful to me"

From `Abdul-`Aziz ibn `Abdullah Ibn Baz to the honorable brother, His Eminence, Khaybar Court Justice, may Allah guide you to do good. Amen.

As-salamu `alaykum warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you.) To continue:

Dear brother, I received your letter no. 156, dated 6/4/1389 A.H. in reply to my letter no. 516, dated 19/3/1389 A.H. may Allah guide you. I also read the papers attached to it, including the description of the Talaq (divorce pronounced by a husband) made by the husband to his wife. The husband mentioned that his wife had quarreled with his sister during the wedding party of his brother in front of many guests. This led him to loose his temper and take a stick with which he tried to strike them. Upon that, some people attempted to prevent him, but he turned to hit anyone who would try to stop him. When some people succeeded to stop him, he divorced her by saying: "You are divorced, you are divorced, you are divorced and unlawful to me." The woman's brother, who is her Waliy (a legally accountable person acting for a woman seeking marriage) stated that he knew nothing about the incident except what he heard from his sister when she told him about the incident.

(Part No. 21; Page No. 352)

She also added that he did not divorce her before that. After you heard the statements of the husband, his divorcee and her Waliy, you ascertained the truth of what he said during the party. Also, you heard from others, confirming the fact that he hit some people.

Based on all that, I have issued a Fatwa (legal opinion issued by a qualified scholar) to the husband that his Talaq (divorce) to his wife is considered a one-fold Talaq, while the second and the third words of Talaq are a sort of emphasis of the first, as declared by scholars and mentioned in some books such as Al-Sharh Al-Kabir, Al-Kash-shaf and others. As for deeming his wife as unlawful to him, he should make a Kaffarah (expiation) of Zhihar (a man likening his wife to an unmarriageable relative) according to its known order. However, this is conditioned that it is proven to you that the husband did that while being mindful of uttering Talaq. On the other hand, if the opposite is proven, Talaq does not count. Verily, hitting people while chasing the women - if proven- is strong evidence that he was unmindful of his actions at that time. Therefore, what you view in this regard is sufficient In sha'a-Allah (if Allah wills).

(Part No. 21; Page No. 353)

165- Ruling on a man who divorced his wife by saying: "You are divorced; divorced; divorced" with the intention to confirm divorce

`Abdul-`Aziz ibn `Abdullah Ibn Baz to the honorable brother, His Eminence judge of Fursan Court, may Allah guide you to every good. Amen.

As-salamu `alaykum warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you.)

Dear brother, I received your honorable letter no. 134, dated 2/7/1398 A.H. may Allah guide you to all goodness. It became quite clear to me what it contains and I read the document included in it which Your Eminence validated. It stated that the husband quarreled with his wife, leading her to leave to her father's house and that the husband tried to make her return but she swore not to do so. Upon that, he became outraged and divorced her by saying, "You are divorced, divorced, divorced" repeating the word to confirm the divorce. He had never divorced her before or after this time. Also, the document includes confirmation of the wife to this in the presence of her brother.

Accordingly I gave Fatwa (legal opinion issued by a qualified Muslim scholar) to the husband that his wife

(Part No. 21; Page No. 354)

is divorced one time by his saying and the second and third words of divorce are regarded as confirmation of the first word and not counted as times of divorce. This is based on accounts of scholars on divorce and the number of times to be counted as divorce. The woman is asked for Kaffarah (expiation) for an oath if she returned to his house. I hope that Your Eminence will inform them about this. May Allah reward you well. As-salamu `alaykum warahmatullah wabarakatuh.

Chairman of the Departments of Scholarly Research,

Ifta', Da`wah, and Guidance

166- Utterance of Talaq three times because of outrage and without intending to make more than one Talaq

A person called me from Zhahran Airport and stated that he had divorced his wife by telling her: "You are Taliq (divorced), Taliq, Taliq." He mentioned that he did not intend to make more than one Talaq (divorce pronounced by a husband) and that such repetition was only because he was angry. All the parties concerned affirmed the same.

Accordingly, only one Talaq is counted as repeating the word of Talaq for a second and third time was only to emphasize the first utterance and so they are not to be counted. The scribe M. S. along with myself were witnesses to the revocation of this Talaq.

`Abdul-`Aziz ibn `Abdullah Ibn Baz

The ruling on one who divorces by saying: "You are divorced, you are divorced, you are divorced"

From `Abdul-`Aziz ibn `Abdullah Ibn Baz to the honorable brother, President of Bishah Court. May Allah guide you for every good. Amen

As-salamu `alaykum warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you!), to proceed:

I received your honorable letter no. 469, dated 24/3/1391 A.H. and the answer to my letter no. 473, dated 12/3/1391 A.H. I have perused everything including the paper that proved the way the divorce was initiated by the husband F.S., who divorced his wife. He told you that in a state of anger he said to his wife: "You are divorced, you are divorced, you are divorced." This happened at the end of Dhul Hijjah, two days before the beginning of Muharram. He did not realize that he repeated the divorce as he was outraged. He did not divorce her before or after that. He brought to you the witnesses of this situation. The first witness confirmed what the husband said regarding the way the divorce took place and he witnessed that he let her return as his wife on the day following the divorce. The second witness stated that the husband said to her: "You are divorced, you are divorced, you are divorced." He also brought another witness, who stated that the husband

returned his wife in the month of Safar in 1391 A.H. and that this woman's Waliy (a legally accountable person acting for a woman seeking marriage); her father, came and acknowledged that the husband had said to her: "If I consummate marriage with my second wife, then you will be divorced three times." Later, he made both of his two wives stay in one house. He did not witness the last divorce but the witness told him so and no divorce followed.

Based on that, my Fatwa (legal opinion issued by a qualified Muslim scholar) was that the husband's last divorce was considered as two divorces as he said: "You are divorced, you are divorced." The second phrase is stresses the first as known. The second divorce was counted when he said: "Then you are divorced." It is correct to let her come back to him as his wife if there were two just witnesses. Would you please notify everyone about that. As for the divorce which her father alleged but was not mentioned by the husband, it takes the ruling of an oath if it was mentioned by the husband. The husband has to make Kaffarah (expiation) if he intended not to have two wives at the same time as it is apparently understood from his situation. May Allah guide all to the Right Path and double your reward.

As-salamu `alaykum warahmatullah wabarakatuh.

(Part No. 21; Page No. 358)

168- Ruling on saying: "I divorce you three, three"

From `Abdul-`Aziz ibn `Abdullah Ibn Baz to the respected brother, His Eminence Judge of Al-Asyah Court, may Allah guide you to all goodness. Amen.

As-salamu `alaykum warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you.)

I received your noble letter no. 79, dated 23/05/1393 A. H. I understood what you mentioned in your letter that a husband and the Waliy (a legally accountable person acting for a woman regarding marriage) of the ex-wife, who is her father, appeared before you. The Waliy affirmed what was mentioned by the husband regarding the manner of Talaq (divorce pronounced by a husband) that he uttered to his wife. This Talaq happened when the two parties disputed over some clothes. The husband said to his wife: "If you take this dress, this will be considered your Talaq." The wife then took the same dress so he said to her: "When you have something good then get it," meaning the same Talaq he made conditional on taking the dress. After a period of time, the wife spoke badly to her husband, so he got angry and said to her: "I divorce you three, three." The husband mentioned that he did not intend more than one Talaq by such repetition. Repetition was only made because he was extremely angry. The husband did not give his wife any Talaq other than what was mentioned above.

Based on all the foregoing, my Fatwa (legal opinion issued by a qualified Muslim scholar) to the husband concerned was that the last Talaq

(Part No. 21; Page No. 359)

that he gave to his wife is counted as only one. By adding this to the previous Talaq, one Talaq remains. The husband may revoke the Talaq, so long as the `Iddah (woman's prescribed waiting period after divorce or widowhood) of his wife has not expired. Otherwise, the couple are not allowed to resume marriage unless they conclude a new contract that meets all the renowned Shar`y (Islamic legal) conditions. Proof for this is a narration from the Prophet (peace be upon him) on the authority of Ibn `Abbas (may Allah be pleased with them both) that signifies the foregoing. The repetition is regarded as only emphasizing the first word according to scholars. Thus, I hope Your Eminence will inform all the parties concerned about this. May Allah reward you the best and bless your efforts. I made it clear to the husband that giving three divorces at one time is not permissible and that he has to make Tawbah (repentance to Allah) of doing so. May Allah set aright the condition of us all. As-salamu `alaykum warahmatullah wabarakatuh.

169- Ruling on a husband telling his wife three times: "You are Taliq according to all Madh-habs."

From `Abdul-`Aziz ibn `Abdullah Ibn Baz to the respected brother; may Allah guide you to all goodness. Amen.

As-salamu `alaykum warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you.)

I received your noble letter, dated 26/04/1393 A. H. that you wrote in reply to my letter no. 696, dated 16/04/1393 A. H. You mentioned in your letter that a husband and his wife came to you. The husband said that he had disputed with his wife and then said to her three times: "You are Taliq (divorced) according to all Madh-habs (Schools of Jurisprudence)." Twenty minutes later, the husband repeated the same for a third time, saying: "You are Taliq according to all Madh-habs," while he was still in the same session. The husband mentioned that he intended, by repeating the Talaq (divorce pronounced by a husband), only to deter and threaten his wife; not to make a new Talaq. The husband swore an oath that he told the truth; that he did not give his wife any Talaq other than this, and that he was in a state of extreme anger. On the other hand, the wife mentioned that her husband was outraged and she swore an oath that she did not know what he was speaking about as they were quarreling and in a state of extreme

anger, and that her husband did not give her any Talaq other than what was mentioned.

Based on the foregoing, my Fatwa (legal opinion issued by a qualified Muslim scholar) for the husband concerned is that the Talaq in question is counted as only one. The second and third pronouncements of Talaq are regarded as emphasizing the first Talaq, because the husband did not intend to execute a new Talaq. He only repeated the word of Talaq because he was in a state of extreme anger. Accordingly, the concerned husband may revoke this Talaq as long as the `Iddah (woman's prescribed waiting period after divorce or widowhood) of his wife has not expired. Otherwise, the couple may not resume their marriage unless they conclude a new marriage contract that meets the renowned Shar`y (Islamic legal) conditions. This Fatwa is supported by some Shar`y proofs. Thus, I hope Your Eminence will inform all those who are concerned of this matter. May Allah reward you with the best for your efforts. As-salamu `alaykum warahmatullah wabarakatuh.

Completion: The couple should be asked to bring the Waliy (a legally accountable person acting for a woman regarding marriage) of the wife to be questioned about the matter. If he affirms what has been said by the couple, please inform him of the Fatwa stated above. Otherwise, please suspend the execution of the Fatwa, inform us of the Waliy's reply, and register his evidence if there is any. May Allah reward you with the best.

170- Ruling on saying: "You are divorced, you are divorced, you are divorced"

From `Abdul-`Aziz ibn `Abdullah Ibn Baz to the respected brother, His Eminence President of Al-Dawadimy Court, may Allah guide you to all goodness. Amen.

As-salamu `alaykum warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you.)

I received your noble letter no. 1596, dated 03/09/1390 A. H. I also read the attached letter that was submitted to Your Eminence by a husband who said that he disputed with his wife, which caused him to be angry. In this state of anger, the husband divorced his wife by saying to her: "You are Taliq (divorced), then you are Taliq, you are Taliq." The husband mentioned that he intended by the third pronouncement of Talaq (divorce pronounced by a husband) only to let his wife understand that he had divorced her. This happened in the month of Jumada II, 1390 A. H., while his wife was pregnant. You asked me to tell you my opinion on this matter.

A: Based on what is mentioned in the question, my opinion is that you should ask the husband to bring the Waliy (a legally accountable person acting for a woman regarding marriage) of his ex-wife to you. If the Waliy affirms what the husband said regarding the manner of Talaq and all the parties concerned agree that the husband did not give his ex-wife any Talaq other than what was mentioned, my Fatwa (legal opinion issued by a qualified Muslim scholar) to the husband was that two Talaqs (divorces) were counted.

This means that one Talaq still remains and that the husband may revoke the Talaq so long as the `Iddah (woman's prescribed waiting period after divorce or widowhood) of his wife has not expired. Otherwise, the couple is not allowed to resume their marriage unless they conclude a new contract of marriage that meets the renowned Shar`y (Islamic legal) conditions. It is well-established that there are Shar`y proofs from the purified Sunnah (whatever is reported from the Prophet) for the foregoing. Thus, I hope you will complete the necessary procedures and inform all the parties concerned of the Fatwa mentioned above. However, if the Waliy states anything that contradicts what was mentioned by the husband; please give them the Fatwa that you consider appropriate or inform me of what you gave them, so that I may study it. May Allah reward you with the best and bless your efforts. As-salamu `alaykum warahmatullah wabarakatuh.

171- Ruling on Talaq-ul-Battah and triple divorce

A husband, his wife, and her paternal grandfather came to me. The husband confessed that he wrote for his wife Talaq-ul-Battah (emphasized divorce). He showed me the sheet of paper dated 15/06/1389 A. H. in which he wrote the Talaq in the foregoing exact wording. The husband mentioned that he did not give his wife any Talaq (divorce pronounced by a husband) other than this. It only happened that he said to her previously: "If you meet with your maternal male cousin, you will be unlawful to me." She then met with the cousin concerned. I asked the wife and her grandfather about what was declared by the husband and they affirmed all of it. The wife stated her desire to resume the marriage if the Shari`ah (Islamic law) allows it.

A: Based on the foregoing, I gave them a Fatwa (legal opinion issued by a qualified Muslim scholar) that only one Talaq is counted and that the couple may resume their marriage by concluding a new marriage contract that meets the renowned Shar`y (Islamic legal) conditions. This is because there is a Sahih (authentic) Hadith on the authority of Ibn `Abbas (may Allah be pleased with them both) to that effect. Besides, I made it clear for all the parties concerned that both Talaq-ul-Battah and triple divorce are not permissible and that the husband has to make Tawbah (repentance to Allah) for doing so. I also told them that the husband has to make an oath Kaffarah (expiation) for declaring his wife to be unlawful to him as mentioned above. This is because such a conditional statement is tantamount to taking an oath as the husband

meant by it to prevent his wife from meeting with her cousin, not to make her unlawful to him (the husband). The Kaffarah in this instance, as explained by the Qur'an, is to feed ten Miskin (needy) persons half a Sa` (1 Sa` = 2.172 kg) of the staple food of the country for each, to clothe them, or to free a slave. Written by the servant who is in bad need of the Forgiveness of His Lord; `Abdul-`Aziz ibn `Abdullah Ibn Baz, President of the Islamic University in Al-Madinah Al-Munawwarah. May Allah pardon him. Peace and blessings be upon Allah's Servant and Messenger; our Prophet Muhammad, his family, and Companions.

173- Prohibition is not decided by the husband but by the purified Shari`ah

A husband, his ex-wife, her Waliy (a legally accountable person acting for a woman seeking marriage), the maternal sister of the Waliy, and the husband's mother came to me. The husband confessed that he gave one Talaq (divorce pronounced by a husband) to his wife about two years ago. He revoked the Talaq then gave her three Talaqs (divorces) at one time and declared that she was unlawful to him and lawful to other than him. This happened because of a dispute that arose between him and his wife followed by his mother hitting him. Thus, the husband got angry and gave his wife the Talaq mentioned above eight days ago. I asked the husband's mother and his ex-wife about what he declared and they affirmed all of it. However, the Waliy of the ex-wife mentioned that he did not witness the incident and that he only knew about it from the persons mentioned here.

Based on the foregoing, I gave the husband concerned a Fatwa (legal opinion issued by a qualified Muslim scholar) that the last Talaq he gave his wife is counted as only one Talaq. By adding this to the previous Talaq, only one Talaq remains for the wife in question. However, the husband may resume the marriage as long as her `Iddah (woman's prescribed waiting period after divorce or widowhood) has not expired because there is a Sahih (authentic) Hadith to that effect. On the other hand, the husband's declaration that his wife is unlawful to him and lawful to other than him is just an explanation of the same Talaq and it has no effect at all. This is because prohibition is not to be decided by the husband. Rather, it is to be decided by the purified Shari`ah (Islamic law).

Furthermore, the husband in question revoked the Talaq in my office and in the presence of the wife, her brother, and a male witness. Thus, the wife is back in the `Ismah (the bond of marriage) of her husband. I made it clear to the husband that giving triple divorce (three simultaneous pronouncements of divorce) is not permissible and that he has to make Tawbah (repentance to Allah) for doing so. I also advised both the husband and the wife to fear Allah and to be kind to each other. Written by the servant in need of the Forgiveness of His Lord; `Abdul-`Aziz ibn `Abdullah Ibn Baz. May Allah pardon him. May peace and blessings be upon Allah's Servant and Messenger; our Prophet Muhammad, his family, and Companions.

(Part No. 21; Page No. 368)

Ruling on coerced divorce

From `Abdul-`Aziz ibn `Abdullah Ibn Baz to the honorable brother, His Eminence Shaykh M A M, may Allah guide you to every good. Amen

As-salamu `alaykum warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you). To proceed:

I have received your honorable letter, dated 1/12/1390 A.H., mentioning that a husband came to you with his wife and both of them agreed that they had disputed. The woman caught her husband by the nick, holding it forcibly and asked to get divorced till he fell on the floor after he tried in vain to get rid of her. He said to her, "Let me go and then you will be divorced," three times. This also happened in the past. The husband asked me about that. I gave him a Fatwa (legal opinion issued by a qualified Muslim scholar) that this was only counted as one divorce, and therefore he let her come back to him as a wife. A witness said what the husband stated was true, adding that when the wife was angry she neither controlled herself nor felt what she did. The two reliable witnesses said that nothing happened more than that between the husband and his wife.

According to that,

(Part No. 21; Page No. 369)

would you please ask the mentioned husband about his intention by divorce. If you know through his reply that he did not intend to divorce her but only wanted to get rid of her, so this utterance of divorce is worthless, because he did not intend to divorce her. But if his intention was to divorce her, this would be counted as one divorce only added to the previous one. Therefore, returning her back to him as wife was correct, but he must make Tawbah (repentance to Allah) for this, because the triple pronouncement of divorce at the same time is not permissible, as Your Eminence know. It was authentically reported that the Prophet (peace be upon him) said what confirm the above mentioned Fatwa. So, please do what is necessary and advise all of that Fatwa. Thanks for your efforts. As-salamu `alaykum warahmatullah wabarakatuh.

(Part No. 21; Page No. 370)

Ruling on divorce during a fit of acute anger

From `Abdul-`Aziz ibn Abdullah Ibn Baz to the honorable brother, President of Major Court in Ta'if, may Allah guide you to every good. Amen

As-salamu `alaykum warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you). To proceed:

I have received your honorable letter no. 680, dated 15/10/1393 A.H., the reply to my latter no. 2393, dated 10/10/1393 A.H. I have read the attached document, indicating the presence of a husband, his wife and her brother before you. The husband acknowledged that his wife kept his identity card with her and he asked her to give it to him but she refused. They disputed and this made him very angry and said: "If you do not give me my identity card, then you will be divorced three times." When he came out of the room he repeated that and he did the same when he went to the street, saying: "You are divorced hundred times." Two days later, they were reconciled, and she gave him his identity card and he let her come back to him as a wife.

(Part No. 21; Page No. 371)

His wife and her brother confirmed what the husband said, except his saying: "If you do not give me my identify card", as he did not hear this phrase from him.

According to that and to what the husband acknowledged that he did not intend to make a conditional divorce in the second and third time linked to giving him the identity card and that he did not intend to make divorce, because it was uttered when he was in a state of severe anger and change of emotions as mentioned in my attached letter no. 2392, dated 10/10/1393 A.H.. Therefore, I gave him Fatwa (legal opinion issued by a qualified Muslim scholar) that the above mentioned divorce was not counted and his wife was still his wife, because this divorce was made in a state of severe anger. Legal evidence indicates that divorce in severe anger is not counted according to a well-known Hadith reported by Ahmad, Abu Dawud, Ibn Majah and classified by Al-Hakim as Sahih (authentic) on the authority of `Aishah (may Allah be pleased with her) that the Prophet (peace be upon him) said: ﴾There is no divorce or emancipation in case of constraint or duress.﴿ Duress is coercion and severe anger as explained by many scholars. Would you please notify all accordingly and advise them to live with their wives in a good manner and to take care not to be angry. May Allah reward you and thanks for you. As-salamu `alaykum warahmatullah wabarakatuh.

Ordinary anger

does not prevent divorce

Q 175: A man swore that his wife would not go out to her father's house, intending to escape from him without his permission and if she goes without his permission she will be divorced. The wife went out to her father's house. When her husband asked her, she said she only went there to visit her father and she swore but her husband considered it one divorce and brought her back as wife in the witness of one of the scholars. About five months later, this couple had a difference and the husband divorced his wife one clear divorce and then he brought her back as a wife to him in the witness of one of the scholars. About one year later, this husband divorced his wife saying: "Go to your family and you are divorced." When he was blamed for that he said he was unmindful of what

he said as he was in a state of anger. He added that he was in a travel and one of the travelers gave him a treatment that prevented him from sleeping during traveling. He did not know the effect of this drug and swore in Allah's Name on that. What is your reply? May Allah reward you with the best.

A: There is no doubt that the two previous divorces are counted. The problem lies

(Part No. 21; Page No. 373)

the third divorce; is it counted or not. Scholars have two opinions. **One says** it is not counted if he is in a state of severe anger with clear reasons.

The second opinion is that it is not counted if he is so overwhelmed by anger that he is unmindful and unconscious of what he says. However, ordinary anger does not prevent divorce to take place, according to all scholars.

So anger has three cases:

One of them divorce takes place according to consensus of scholars - that is, when it is ordinary not severe anger.

The second case divorce does not take place by consensus of scholars - that is, when anger is so severe that it drives one to loose his feeling and to become insane.

The third case is a matter of controversy; it is a middle state. The most preponderant opinion is that divorce does not take place in this case. That is because severe anger makes one unable to control himself not to make divorce, and therefore he makes divorce to release himself and ease his anger. And this is tantamount to coerced divorce.

A group of scholars mentioned these three cases, including Shaykh-ul-Islam Ibn Taymiyyah and his knowledgeable student Ibn Al-Qayyim (may Allah have mercy on them).

(Part No. 21; Page No. 374)

Their opinion is that divorce does not take place in the middle case and considered the person in this is as the one in coerced divorce or that whose mind is lost. Allah knows best. May peace and blessings be upon our Prophet Muhammad, his family and Companions.

Dictated by Allah's poor servant

\`Abdul-\`Aziz ibn \`Abdullah Ibn Baz

Chairman of the Departments of

Scholarly Research, Ifta', Da'wah and Guidance

176-

A question about

whether an angry man is considered coerced

From `Abdul-`Aziz ibn `Abdullah Ibn Baz to the honorable brother, Shaykh MSA, may Allah guide you to all goodness! Amen.

As-salamu `alaykum warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you!)

Dear brother, I have read your explanation at the end of my letter no. 431, dated 14/3/1393 A.H., that stated the following, "A husband came to me and I asked him about the third occurrence of divorce. He told me that he was angry, but not so angry that he lost his temperament; he was only infuriated because of the words his wife told him. I asked his wife, who came with him, and she confirmed what he said."

Accordingly, I gave a Fatwa (legal opinion issued by a qualified Muslim scholar) to the husband that this divorce does not take place and his wife is still in his `Ismah (the bond of marriage) if he swears that

he mentioned the truth. Evidence of Shari`ah (Islamic law) prove that deep anger prevents the occurrence of divorce, because it makes a person unable to control themselves or ponder the consequences, turning them like the coerced. There is a famous Hadith related by Imam Ahmad, Abu Dawud, Ibn Majah, and ranked as Sahih (authentic) by Al-Hakim, on the authority of `Aishah (may Allah be pleased with her), that the Prophet (peace be upon him) said, (There is no divorce or emancipation in case of duress or extreme anger.) A group of scholars interpreted this as coercion or extreme anger. Please notify the husband, the wife and her Waliy (a legally accountable person acting for a woman seeking marriage) of this, and give a copy of this letter to the husband to keep it with him. May Allah reward you and bless your efforts! As-salamu `alaykum warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you!)

177-

Ruling on a man divorcing his wife in a state of anger

This letter is from `Abdul-`Aziz ibn `Abdullah ibn Baz to the respected brother Shaykh, His Excellency chief Justice of Al-Ihsa' courts, may Allah grant you success! Amen.

As-salamu `alaykum warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you!)

Dear brother, I have received your kind letter no. 2011 dated 18/3/1393 A.H., may Allah guide you! In this letter, you have referred to the presence of a husband, his wife, his brother-in-law, and the two witnesses before Your Eminence. The two witnesses testified that a dispute has arisen between the said couple on that Friday night and ended by him pronouncing Talaq (divorce pronounced by a husband). The witness placed his hand on the husband's mouth (to prevent him from pronouncing divorce), however, when he removed his hand the husband said, "She is divorced, she is divorced, she is unlawful for me anymore and she may marry anyone else." The two witnesses testified that the husband was very angry and during the fits of anger he loses his temper. The brother-in-law left the matter to the two witnesses for he was not present. The husband sworn and

confirmed the testimony of the two witnesses. He and his brother-in-law added that four years ago he divorced his wife but he took her back in marriage by a Fatwa issued by chief justice of Bishah.

Accordingly, you have issued a Fatwa to the said husband that his pronouncement of divorce has not come into effect. Hence, the woman remains his wife. All the Shari`ah (Islamic law) evidence indicates that Talaq (divorce pronounced by a husband) issued in a fit of extreme anger does not come into effect. It was recorded by Imam Ahmad, Abu Dawud, Ibn Majah, and Al Hakim who ranked it as Sahih (authentic) on the authority of `Aishah (may Allah be pleased with her) that the Prophet (peace be upon him) said, ﴾There is no divorce or emancipation in case of duress or extreme anger (ighlaq).﴿ A group of scholars, including Imam Ahmad (may Allah be merciful with him), said that "ighlaq" means coercion and extreme anger.

Everyone should be informed of the issued Fatwa including the wife, husband, and the brother-in-law. I adviced the husband to avoid the causes of anger and to seek refuge with Allah from Satan when being in a state of anger. I asked the woman's brother to advice her to treat her husband well and to avoid all the reasons that make her husband angry. May Allah guide us to that which pleases Him. As-salamu `alaykum warahmatullah wabarakatuh!

178- A question about divorce by an angry person

From `Abdul-`Aziz ibn Abdullah Ibn Baz to the venerable brother, His Eminence judge of the First Summary Court of Al-Madinah Al-Munawwarah, may Allah guide you to every goodness! Amen.

As-salamu `alaykum warahmatullah wabarakatuh (May Allah's Peace, Mercy and Blessings be with you!)

Dear brother, your letter no. 905 dated 6/5/1393 A.H. reached me, may Allah guide you to every goodness! It included that a husband, his father, his divorced and other people who know them came to Your Eminence. And the father of the husband and the wife confirmed the way the husband divorced his wife, saying over a dispute between him and his father: "She came to you, so she is divorced, divorced, divorced, divorced, divorced." He has never divorced his wife before or after this time and this was quite clear for us.

According to this and to the admission of the husband that he did not mean three times of divorce or anything else but he repeated words of divorce because he was utterly enraged, and in light of an account given by a Ma'dhun (marriage registrant) in Riyadh that marriage was concluded between this man and his wife

through the maternal uncle of the woman who was assigned as the guardian of the woman by request of her Waliy (a legally accountable person acting for a woman), who is her cousin,

I gave the man a Fatwa that he has divorced his wife one time and he is allowed to return her as long as she is still in her `Iddah (woman's prescribed waiting period after divorce or widowhood). In addition, the second and other words of divorce are counted as confirmation of the first word and they stand for nothing. This is what was stated by scholars and indicated by legal evidence. It is to be noted that the man returned his wife in presence of me and a group of Muslims and therefore she is now in his `Ismah (the bond of marriage). I hope Your Eminence will inform her of this. May Allah guide you! As-salamu `alaykum warahmatullah wabarakatuh.

179- Ruling on Talaq uttered by a person who loses his reason in extreme anger

From `Abdul-`Aziz ibn `Abdullah Ibn Baz to the respected brother, Head of the Courts of Al-Dawadimy. May Allah grant you success! Amen.

As-salamu `alaykum warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you!)

I received your letter no. 1414, dated 13/7/1394 A.H., and I have read what you proved concerning the attendance of a husband, his wife and her Waliy (a legally accountable person acting for a woman seeking marriage) to you. The wife asserted the words the husband uttered to effect the divorce. In a fit of intense anger, he divorced his wife saying: "You are divorced, you are divorced, you are divorced" because she did not abide by his command of biting their daughter on his behalf. The wife added that in a fit of anger her husband loses his temper and becomes unaware of what he is doing or saying that he may invoke Allah against himself. She wills to return to her husband if the Shari`ah permits so. Her Waliy mentioned that he was absent during the incident of divorce so he has no idea about the divorce or the fit of anger the husband suffers. The said husband brought two witnesses who

testified that the husband is afflicted with a diseases that makes him lose his temper and become unaware of what he says in anger. They added that they saw him in this case more than once. The husband, in my presence, swore that the reality is as he mentioned earlier. Accordingly,

I issued a Fatwa to him that he is still keeping her as a wife and that his divorce is of no effect. Shari`ah evidence indicates that divorce is not taken place due to intense anger. Among the proofs is the well-known Hadith reported from `Aishah (may Allah be pleased with her) that the Prophet (peace be upon him) said: ﴿There is no divorce or emancipation in case of ighlaq (duress or extreme anger).﴾ (Related by Ahmad, Abu Dawud and Ibn Majah and classed as authentic by Al-Hakim) The majority of scholars including Imam Ahmad (may Allah be merciful with him) said that ighlaq means anger or compulsion, i.e. intense anger. The wife and her Waliy should be informed of this Fatwa. May Allah reward you the best for your efforts! As-salamu `alaykum warahmatullah wabarakatuh

A question on divorce of an angry person

A husband, his wife and her brother came to me. The husband stated that a dispute and a quarrel arose between him and his wife wherein he divorced her by saying, "You are divorced, you are divorced, you are divorced." He was very angry because she broke the video and the watch in her hand. Two or three days later, her brothers and two other persons came to him and discussed the cause of dispute that took place between the couple. They asked him to divorce her, but he got angry and wrote a paper in which he stated that he divorced her irrevocably according to Shari`ah. Being asked about his intention by this, he said that he meant divorce. Both the husband and the wife stated that she was menstruating when he uttered and then wrote the word of divorce.

Therefore, I gave a Fatwa (legal opinion issued by a qualified Muslim scholar) to the husband that the divorce referred to did not take effect and that his wife is still in his `Ismah (the bond of marriage), because it took place while he was in a state of extreme anger and while his wife was menstruating. Proofs from Shari`ah prove that divorce does not take effect during the two cases referred to.

Dictated by the humble servant of Allah, `Abdul-`Aziz ibn `Abdullah Ibn Baz May Allah forgive me! May Allah's Peace and Blessings be upon our Prophet Muhammad, his family and Companions.

Chairman of the Departments of Scholarly Research, Ifta', Da`wah, and Guidance

181- Divorce does not take effect in case of extreme anger

From `Abdul-`Aziz ibn `Abdullah Ibn Baz to our respected dear brother, His Eminence judge of Tayma, May Allah grant you success! Amen.

As-salamu `alaykum warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you!)

I have received your noble letter dated 24/2/1391 A. H.; may Allah guide you. The letter mentioned the manner of divorce announced by a husband to his wife. I have examined all that you explained on the case. I learnt what his father, the witnesses and he himself said. It is clear from the words of all of them that the husband was in a state of intense anger when he uttered divorce that he did not remember what he said. This made the witnesses differ about whether divorce took effect or not, though they all agree that he was very angry and that he was not fully aware when he uttered divorce.

Based on this, I have given a Fatwa (legal opinion issued by a qualified Muslim scholar) to the husband that the divorce on his part explained in the enclosed letter of Your Eminence did not take effect, because it was uttered by the husband while he was in a state of explosive anger and disorder

of his feelings. Proofs from Shari`ah prove that among the conditions of (valid) divorce is that the husband must be aware of it. They also prove that explosive anger entails abrogation of what an extremely angry person says. Of these proofs is the Hadith narrated by Abu Dawud as well as others that the Prophet (peace be upon him) said: (There is no divorce or emancipation in case of constraint or duress (ighlaq).) A group of scholars and linguists explained "ighlaq" as compulsion and anger. They mean intense anger. I hope Your Eminence will advise the husband's father and the wife's guardians of the mentioned Fatwa and that the woman is still in the `Ismah (bond of marriage) of her husband. May Allah reward you for your efforts. I hope you will deliver the husband or his father a copy of this enclosed letter to keep it with them and refer to it at time of need. May Allah reward you with what is best! As-salamu `alaykum warahmatullah wabarakatuh.

The soundest opinion is that divorce of an angry person does not take effect

From `Abdul-`Aziz ibn `Abdullah Ibn Baz to our honorable brother, His Eminence judge of Al-Rayn. May Allah guide you to all goodness! Amen.

As-salamu `alaykum warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you!)

I received your noble letter no. 477, dated 5/8/1391. May Allah guide you to His Way! The report it included information about a husband, who said to his wife in a state of anger: "Your are divorced, then divorced, and then divorced." But his intention was not to emphasize divorce and that the coordinating conjunction he used means, in the dialect of Qahtan, "then". Yet some people deny this. You informed him that his wife is not lawful to him until she marries another person. Yet he does not feel content with this, to the end of what you mentioned. All this was known to us.

We want to inform Your Eminence that the correct opinion, In sha'a-Allah (if Allah wills) is the Fatwa you issued that she is not lawful to him until she marries another husband. Yet if it is proven to you that he was in a state of extreme anger exceeding normal or changing his perception, then the correct opinion is that divorce has not taken effect as was the Fatwa (legal opinion issued by a qualified Muslim scholar) given by a group of scholars from among the earlier and later generations, among them is Shaykh-ul-Islam

Ibn Taymiyyah and his disciple scholar Ibn Al-Qayyim (may Allah be merciful with them all). Our Fatwa adopts the same opinion because of many proofs, including the well-known Hadith narrated by Abu Dawud on the authority of `Aishah (may Allah be pleased with her) that the Prophet (peace be upon him) said: ﴾There is no divorce or emancipation in case of constraint or duress (ighlaq).﴿ A group of scholars interpreted the word "ighlaq" as anger, while others said it is coercion. In fact it means both meanings May Allah guide us all to what pleases Him! As-salamu `alaykum warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you!)

183- Divorce does not take place due to intense anger and compulsion

From `Abdul-`Aziz ibn `Abdullah Ibn Baz to the respected brother, President of the Supreme Court of Abhah. May Allah grant you success! Amen.

As-salamu `alaykum warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you.)

I received your letter, dated 15/9/1393 AH, no. 7921, which is a reply to my letter sent on 8/9/1393 AH, no. 2134. It informed me of the attendance of a husband, his wife and her Waliy (a legally accountable person acting for a woman seeking marriage) to you. Tired from work, the husband, on 1/7/1392 AH, returned home from his farm. His wife abused him, bit his right arm and took his dagger from the belt the husband was wearing. He thought that she would kill him as she accused him of planning to marry a second wife. She suffers from a disorder which causes her to be unaware of what she is saying or doing. He tried to stop her, but he failed. He therefore said to her: "You are divorced,

you are divorced, you are divorced" in the same session. They both regretted this. This is the first time the husband has divorced his wife. The wife and her Waliy verified this incident and mentioned that she wished to return to her husband, if Shari`ah permits. She acknowledged that the husband revoked the divorce at the same moment.

Consequently, I issued a fatwa to the husband that he is still keeping her as a wife and that the divorce is not effected, because he declared it while losing his power of reason. Proofs from Shari`ah indicate that a divorce does not take place due to intense anger and compulsion. The context suggests that the wife's conduct aroused the husband's anger to the highest degree. Among the proofs is the Hadith reported from `Aishah (may Allah be pleased with her) that the Prophet (peace be upon him) said: "There is no divorce and no manumission in the event of ighlaq." (Related by Ahmad, Abu Dawud and Ibn Majah and classified as authentic by Al-Hakim)

The majority of scholars, including Imam Ahmad (may Allah be merciful with him), said "ighlaq" means compulsion or anger, i.e. intense anger. The wife and her husband should be informed of this Fatwa and advised to treat each other kindly. They should both beware of the causes of anger. May Allah reward you the best for your efforts. As-salamu `alaykum warahmatullah wabarakatuh.

184- Divorce by an angry person does not take effect even if he repeats it

From `Abdul-`Aziz ibn Abdullah Ibn Baz to the venerable brother, His Excellency, judge of Al-Harn Court, may Allah keep you in safe.

As-salamu `alaykum warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you.)

Dear brother, I received your revered letter no. 486, dated 1/11/1398 A.H. may Allah guide you. I inform you that I understood what you referred to the divorce of the husband to his wife by saying, "You are divorced, divorced, divorced seven times." and that he divorced her once before that. You mentioned that somebody testified that when this husband said these words of divorce he was extremely angry and the husband swore that he was so.

Accordingly, I gave him a fatwa that the divorce he announced while he was extremely angry did not take effect and his wife was still in his `Ismah (the bond of marriage, i.e. the right to initiate divorce) according to legal evidence, including a well-known Hadith narrated by `Aishah (may Allah be pleased with her) that the Prophet (peace be upon him) said, ﴾There is no divorce or emancipation in case of Ighlaq (i.e. constraint or duress).﴿ (Related by Imam Ahmad, Abu Dawud and Ibn Majah and authenticated by Al-Hakim) Some scholars, including Imam Ahmad, explained the word "Ighlaq" as compulsion and extreme anger.

I hope Your Eminence will inform everybody of this. As-salamu `alaykum warahmatullah wabarakatuh.

Discussion on the evidence of

the ruling on triple divorce in one phrase

From `Abdul-`Aziz ibn `Abdullah Ibn Baz **to the honorable brother, may Allah guide you to every goodness! Amen.**

As-salamu `alaykum warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you.)

Dear brother, your revered letter reached us, may Allah guide you. It included an inquiry about the evidence I am relying on when giving a fatwa regarding the triple divorce (three simultaneous pronouncements of divorce) as one time of divorce, if divorce occurs at the hands of an angry person. I understand what you are asking about.

The answer: It is authentically reported that the Prophet (peace be upon him), in the Hadith narrated on the authority of Ibn `Abbas (may Allah be pleased with him) said that the triple divorce was regarded as one time of divorce. This was applicable during the lifetime of Allah's Messenger (peace be upon him) and Abu Bakr and two years of `Umar's Caliphate (may Allah be pleased with both of them). However, `Umar (may Allah be pleased with him) found people were lenient with the matter of divorce and therefore he opted for putting an end to this. He decided to render a triple divorce in one phrase as irrevocable. From our part, we give a fatwa that triple divorce in one phrase is counted as one time according to

the aforementioned authentic Hadith, even if it is not in a state of anger. We are not to abandon the Hadith of the Prophet (peace be upon him) due to the saying of anyone.

There are two cases of divorce by an angry person. First, when the husband is aware of what he is saying, and in this case his divorce takes effect.

Second, when the person is in a state of uncontrollable anger so that he is not aware of what he is saying including the words of divorce, and in this case his divorce does not take effect.

May Allah help all of us understand His Religion and abide by it, for He is the Most-Generous. As-salamu `alaykum warahmatullah wabarakatuh.

(Part No. 21; Page No. 393)

186- The supporting evidence that triple divorce in one pronouncement is considered one occurrence of divorce

From `Abdul-`Aziz ibn `Abdullah Ibn Baz to the honorable brother, may Allah guide you to all goodness! Amen.

As-salamu `alaykum warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you.)

His Eminence, Shaykh Taqy Al-Din Al-Hilaly showed me a letter sent to him by you, dated 16/1/1389 A.H., and he asked me to answer the attached question. I obeyed his request out of cooperation on righteousness and piety, and fearing the consequences of keeping my knowledge to myself. The question was:

An extremely angry man divorced his wife three times in one pronouncement in one session. What is the ruling on this? Is it considered a revocable divorce?

A: It was authentically reported from the Messenger of Allah (peace be upon him) on the authority of Ibn `Abbas (may Allah be pleased with him) that this is considered one occurrence of divorce. This was applicable in the lifetime of the Messenger of Allah (peace be upon him), during the reign of Abu Bakr Al-Siddiq (may Allah be pleased with him)

(Part No. 21; Page No. 394)

and two years of the reign of `Umar (may Allah be pleased with him). However, when `Umar (may Allah be pleased with him) saw how careless the people became in the matter of divorce, he considered it a three-fold divorce. This was Ijtihad (juristic effort to infer expert legal rulings) by him. Some scholars held the view that if a three-folde divorce takes place with one pronouncement, it is considered one occurrence of divorce according to the mentioned Hadith. This was authentically reported from Ibn `Abbas (may Allah be pleased with him) in one of two narrations reported from him and from a group of the Salaf (righteous predecessors). We hold this opinion that was applicable during the lifetime of the Messenger of Allah (peace be upon him), the reign of Al-Siddiq and the early years of `Umar's rule, because it is supported with evidence and is more merciful to the Muslims, especially that ignorance has spread and Iman (Faith) has become weaker among the spouses. May Allah guide you, us and the rest of the Muslims to the right words and deeds. He is the best One asked for help. As-salamu `alaykum warahmatullah wabarakatuh.

187- Ruling on triple divorce

From `Abdul-`Aziz ibn Abdullah Ibn Baz to His Eminence, the honorable brother, president of Bishah Court, may Allah guide you to every goodness! Amen.

As-salamu `alaykum warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you.) Dear brother, I received your revered letter, no. 1850, dated 13/10/1388 A.H. may Allah guide you. I read what you said concerning the way a husband divorced his wife and that he divorced her three times in one session, but she clasped his throat with her hands wanting him to divorce her more than that and therefore, he said, "You are divorced, divorced". He did so in order that she would leave him but he did not want to divorce her irrevocably. It is stated in the letter that he never divorced her except at that time. Also, it included the confirmation of the wife and a statement from her father that he was not present at that time but he verifies what the husband maintained concerning the nonexistence of divorce before that time.

Accordingly, I gave a fatwa to the referred husband that his wife is divorced two times due to the first and the last time of divorce; and the second word in the last time is regarded as confirmation of the first word and both of the words are regarded as one time of divorce.

This is stated by scholars and this is well-known. Also, he is allowed to return her with a new contract of marriage that meets all the legal conditions due to the fact that she finished her `Iddah (woman's prescribed waiting period after divorce or widowhood). There are authentic Hadiths of the Prophet (peace be upon him) that substantiate the aforementioned fatwa, which is known for you. I hope you will inform him that he should repent to Allah from his first divorce, for having made a triple divorce in one pronouncement is not permissible. Please inform all of them about what was mentioned. May Allah reward you good and guide you to the right path. As-salamu `alaykum warahmatullah wabarakatuh.

188- A man divorcing his wife three times has to be examined in detail

From `Abdul- `Aziz ibn `Abdullah Ibn Baz to the honorable brother, may Allah increase your knowledge and Iman (Faith). Amen.

As-salamu `alaykum warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you.)

I read your letter directed to the professors in the Islamic University in Madinah, referred to me by His Eminence, Deputy President of the Islamic University, as stated in the attached letter. I noticed that you inquired about two issues:

If a man divorces his wife three times, can he remarry her?

If a man asks his wife to go to her family, is this considered a divorce? Can he return her to him later?

A: First,

a triple divorce should be clarified in detail. The husband may divorce her wife three times and then return her during the `Iddah (woman's prescribed waiting period after divorce or widowhood); he might remarry her after the end of her `Iddah, then divorce her again, and then return to her

during the `Iddah or after it; and then divorce her for the third time. In this case, his wife is unlawful to him until she marries another man out of her own will and they have intercourse together. Allah (Glorified and Exalted be He) says: ﴾And if he has divorced her (the third time), then she is not lawful unto him thereafter until she has married another husband.﴿

The scholars unanimously agreed on this. There are other forms that take the same ruling according to most of the scholars, such as saying, "You are divorced, then divorced, then divorced", or "You are divorced, you are divorced, you are divorced" with no intention of confirmation; or "You are divorced, divorced and divorced" and the like. In all these cases, she is considered divorced three times, and he cannot return her to marriage unless she marries another man willingly and they have intercourse. This is according to the mentioned Ayah (Qur'anic verse) and the Hadith reported on the authority of `Aishah (may Allah be pleased with her) that Rifa`ah Al-Qurazhy divorced his wife three times, so she married `Abdul-Rahman ibn Al-Zubayr. She mentioned to the Prophet (peace be upon him) that he could not have intercourse with her, so he (peace be upon him) said to her, ﴾"Do you want to return to Rifa`ah? You cannot do so until you have intercourse with your husband first."﴿ (Agreed upon by Al-Bukhari and Muslim).

(Part No. 21; Page No. 399)

One of the forms of triple divorce is saying: "You are divorced three times" in one pronouncement. The Jumhur (dominant majority of scholars) held the opinion that the triple divorce occurs and the wife becomes unlawful to her husband until she marries another man willingly and they have intercourse. They used as evidence the mentioned Ayah and that `Umar ibn Al-Khattab (may Allah be pleased with him) passed it among the people. Other scholars considered that it is one occurrence of divorce, and the husband may return his wife to marriage during her `Iddah. If she finishes her `Iddah, he has to return to her by force of a new marriage contract. The evidence of this is what was authentically reported in the Sahih (authentic) Book of Muslim on the authority of Ibn `Abbas (may Allah be pleased with him) that he said, (In the era of the Messenger of Allah, Abu Bakr (may Allah be pleased with him) and two years of the reign of `Umar (may Allah be pleased with him), triple divorce was considered one occurrence of divorce. However, `Umar said that people have taken the matter of divorce lightly, so it should rather be considered an irrevocable divorce.) In another narration by Muslim, Abu Al-Sahba' told Ibn `Abbas (may Allah be pleased with him), ("Was triple divorce not considered one occurrence of divorce during the time of the Prophet (peace be upon him), Abu Bakr and two years of the reign of `Umar (may Allah be pleased with him)?" He said, "Yes.") They also used as evidence what was related by Imam Ahmad in his Musnad (Hadith compilation) with a good Sanad (chain of narrators) on the authority of Ibn `Abbas (may Allah be pleased with him) (that Abu Rukanah divorced his wife three times, then he regretted it, so the Prophet (peace be upon him)

(Part No. 21; Page No. 400)

made her return to him and considered it one occurrence of divorce.) This Hadith and the previous one are applied to triple divorce in one pronouncement to reconcile these two Hadiths and the previously mentioned Ayah. This opinion was held by Ibn `Abbas (may Allah be pleased with him) in an authentic narration reported from him, and he held the opinion of the majority in another narration. This opinion is reported from `Aly, `Abdul-Rahman ibn `Awf, Al-Zubayr ibn Al-`Awwam (may Allah be pleased with them), some of the Tabi`un (Followers, the generation after the Companions of the Prophet), Muhammad ibn Is-haq the author of Al-Sirah, and a group of early and late scholars. This opinion was also chosen by the Shaykh-ul-Islam, Ibn Taymiyyah, and his student, the great scholar Ibn Al-Qayyim (may Allah be merciful with them). We choose this opinion as it reconciles all the Nusus (Islamic texts from the Qur'an or the Sunnah) and entails mercy to the Muslims.

Second, if a man says to his wife, "Go to your family", this should be clarified in detail.

If he says this with the intention of divorcing her, divorce takes place once, and he may return her to marriage as long as she is in her `Iddah.

If she finishes her `Iddah before returning to him, she becomes unlawful to him unless by force of a new marriage contract with its conditions prescribed by Shari`ah (Islamic law).

If he does not intend divorce, nothing takes place, and she is still in his `Ismah (the bond of marriage, i.e. the right to initiate divorce), because such a word is an indirect implication of divorce. Indirect words do not entail divorce

(Part No. 21; Page No. 401)

unless it is accompanied by intention. When Ka`b ibn Malik Al-Ansary (may Allah be pleased with him) was asked to keep away from his wife, he said to her, "Go to your family", but divorce did not

take place, because he did not intend it; he only wanted her to stay at her family's until Allah judges in his matter together with his two companions who did not participate in the Battle of Tabuk. This tale is known in the biographies and battles of the Prophet (peace be upon him), and also in the Tafsir (exegesis of the meanings of the Qur'an) of Allah's Saying (Exalted be He) in Surah Al-Tawbah, ﴿And (He did forgive also) the three [who did not join the Tabûk expedition whose case was deferred (by the Prophet صلى الله عليه وسلم)] (for Allâh's Decision)﴾ May Allah grant you, us and the rest of our brothers comprehension of religion, help us adhere to it, and grant us safety from delusive temptations. He is All-Hearing, Ever Near. As-salamu `alaykum warahmatullah wabarakatuh.

President of the Departments of Scholarly Research,

Ifta', Da`wah and Guidance

Ruling on divorce in three successive pronouncements

From `Abdul-`Aziz ibn `Abdullah Ibn Baz **to the honorable brother Shaykh, Deputy President of Jazan Courts, may Allah guide you to everything good. Amen.**

As-salamu `alaykum warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you). I received your letter no. 607, dated 24/3/1392 A.H. perused the attached documents regarding the divorce initiated by a husband to his wife, including a paper of his admission to the President of Jazan Courts that he divorced her by saying, "You are divorced, divorced, divorced." He did so without feeling that it was done out of extreme anger. I also perused a paper which included that she came with her father to the Shaykh, judge of South Zhahran Deputized in Al-Harjah and she confessed that her husband said to her when she wept about his lost watch, "You are divorced, you are divorced, you are divorced." He repeated it three times. According to that, the admission of the husband, and his unproven claim that his feelings changed;

my Fatwa to him was that there is no way to remarry her unless she marries another husband.

This is because he finished the three divorces in three successive words. So, his wife was divorced by a major irrevocable divorce. Would you please notify her Waliy (a legally accountable person acting for a woman seeking marriage) accordingly and complete what is necessary. May Allah guide all to what pleases Him. As-salamu `alaykum warahmatullah wabarakatuh.

190- Ruling on whoever divorces by saying: "She is divorced" three times

From `Abdul-`Aziz ibn `Abdullah Ibn Baz to the respected brother, His Eminence, Shaykh Muhammad Ibn Salih Al-`Uthaymin may Allah guide you to all that pleases Him. Amen.

As-salamu `alaykum warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you.)

Attached to my letter to Your Eminence is a copy of a document sent to me by His Eminence, Deputy President of the Eastern Region Courts about a Fatwa (legal opinion issued by a qualified Muslim scholar) that you gave to a husband concerning the permissibility of resuming his marriage with a new contract etc. The husband concerned gave his pregnant wife one Talaq (divorce pronounced by a husband) then after a few days he said to her three times: "She is Taliq (divorced)" while intending executing three divorces. Accordingly, His Eminence Judge of the main court of Al-Dammam ruled that the Talaq in question is a minor irrevocable divorce (a divorce, after which the man may remarry his irrevocably divorced ex-wife with a new mandatory bride gift and contract).

The point is that I see that the Fatwa you gave is wrong and you have to revoke for the following reasons:

First, the husband in question gave his wife one Talaq then he completed the three Talaqs after a few days.

(Part No. 21; Page No. 405)

Second, there is Ijma` (consensus of scholars) to the effect that the Talaq which is given to a wife who is in revocable divorce is counted. This is mentioned by Ibn Qudamah in his book Al-Mughny.

Third, there are Shar`y (Islamic legal) proofs for the foregoing, as Allah (Glorified and Exalted be He) says: ﴾The divorce is twice﴿ Then He (Glorified be He) says: ﴾And if he has divorced her (the third time), then she is not lawful unto him thereafter until she has married another husband.﴿ Moreover, it is well-established that saying to a person: "Peace be upon you. Peace be upon you," is regarded as speaking to them twice. Likewise, saying this three times is asking for permission three times. Thus, the same applies to saying to one's wife three times: "She is Taliq" or "You are Taliq", this is counted as three divorces, so long as the husband does not mean to emphasize or clarify his words.

Scholars only differ with regard to the husband saying: "You are Taliq three times." or "She is Taliq three times" without repeating the word of Talaq. As it is well-known, the majority scholars are of the view that such Talaq is counted and the preponderant opinion is that it is only counted as one Talaq. A proof for this is the renowned Sahih (authentic) Hadith narrated by Ibn `Abbas (may Allah be pleased with them both) in this regard. As for the view of Shaykh-ul-Islam Ibn Taymiyyah that such Talaq is not to be revoked unless a new contract of marriage is done, this is a weak opinion that opposes the Shar`y (Islamically lawful) proofs and that I do not know any precedent for or reasons to support. The fact that one of the Tabi`un (Followers, the generation after the Companions of the Prophet) might have held such opinion does not change the situation. It is still a wrong view as it contradicts the renowned Shar`y proofs. It is worth mentioning that a believer should seek and accept the truth wherever they find it and it is well-known that Shaykh-ul-Islam Ibn Taymiyyah (may Allah be merciful with him) is just like other scholars;

(Part No. 21; Page No. 406)

they may be right or wrong. Thus, we follow Shaykh-ul-Islam Ibn Taymiyyah only when he is right exactly as we do with regard to other scholars. Besides, Ibn Al-Qayyim (may Allah be merciful with him) explained this issue of Talaq in detail in his book I`lam Al-Muwaqi`in and differentiated between pronouncing the three Talaqs in one word or more. In support of his view, Ibn Al-Qayyim quoted the Ayahs (Qur'anic verses) on asking permission to enter someone's room, Li`an (allegation of adultery against a wife, accompanied by mutual invoking of Allah's Curse/Wrath if lying), and the Hadith on making Tasbih (glorification of Allah) after finishing the five obligatory Salahs (Prayers) and when going to bed. You may thus refer to the book mentioned above for more information.

I hope you will care for the matter and inform the Eminent judge of the main court of Al-Dammam of your revocation of the Fatwa. This is to opt for the truth and follow the Shar`y evidence. May Allah grant you success and guide, you, me and all Muslims to follow the truth in words and deeds. Verily, Allah is All-Hearer, Ever Near. As-salamu `alaykum warahmatullah wabarakatuh.

Mufty of the Kingdom of Saudi Arabia

and Chairman of Council of Senior Scholars

and the Department of Scholarly Research and Ifta'

191- Ruling on the irrevocable divorce

From `Abdul-`Aziz ibn `Abdullah Ibn Baz to the respected brother, president of the Court of Tarif. May Allah grant you success. Amen.

As-salamu `alaykum warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you.)

I received your letter, dated 25/9/1388 AH, no. 1/967. Many thanks for the good supplications, and I ask Allah to accept from all of us. I understood what you referred to concerning the divorce declared by a husband. I also read the attached copy of the divorce paper, which contains the husband's statement: "On 1/3/1383 AH, I divorced my wife irrevocably." The husband has witnesses on this divorce. My opinion is that the husband and his wife's Waliy (a legally accountable person acting for a woman seeking marriage) should come to you. They should be questioned about the way the husband declared the divorce and whether it is the first time for him to divorce her. You should also see the original divorce paper. If nothing except what he mentioned happened and the Waliy verified what the husband said,

the latter should abide by the following fatwa.

One pronouncement of divorce is counted and he may remarry his irrevocably divorced ex-wife with a new mandatory bride gift and a new contract, because the `Iddah (woman's prescribed waiting period after divorce or widowhood) has expired. It is well-known that there are reports authentically narrated from the Prophet (peace be upon him) that affirm this fatwa. The necessary procedures should be accomplished. If the reality is not as what was mentioned, I should be informed, so that I can give my opinion, if you do not mind. May Allah grant you success.

As-salamu `alaykum warahmatullah wabarakatuh

193- Ruling on dictating a triple divorce in writing

From `Abdul-`Aziz ibn `Abdullah Ibn Baz to our honorable brother, His Eminence, Tarif Court Justice, may Allah guide you to good! Amen.

As-salamu `alaykum warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you.) To proceed:

Dear brother, I received your letter no. 391, dated 6/5/1394 A.H. in reply to my letter no. 885, dated 26/4/1394 A.H. May Allah guide you. I also read your report attached including the description of the Talaq (divorce pronounced by a husband) uttered by a husband to his wife; that he ordered to write a triple divorce document to her, but the judge objected to this and ordered it to be written according to the Sunnah (supererogatory act of worship following the example of the Prophet). This was outlined in the document issued by Your Eminence. However, after the husband left the court, he uttered a triple divorce and vowed to offer a sacrifice for Allah in the presence of her father and two witnesses.

Based on the above, you issued a Fatwa (legal opinion issued by a qualified scholar) that this would be a two-fold Talaq: the first is a Sunnah-based divorce; since what the husband ordered to write was not executed.

The dictation to write a triple divorce was done through authorization, but the authorized person did not implement it as previously mentioned. The second divorce is when he uttered Talaq three times. This is based on an authentic Hadith reported from the Prophet (peace be upon him) on the authority of Ibn `Abbas (may Allah be pleased with both of them) to the effect that a triple divorce at one time is considered as one Talaq. Accordingly, she only has one more divorce left, and he can take her back during her `Iddah (woman's prescribed waiting period after divorce or widowhood). However, if her `Iddah expires, she becomes unlawful to him unless with a new marriage contract according to the Shar`y conditions. Therefore, kindly notify all the people about this, and inform the husband that a triple divorce is not permissible, and that he should observe Tawbah (repentance) for this. He must also fulfill his vow of offering a sacrifice as a way of thanking Allah for separating him from his wife. May Allah reward you and guide your steps. As-salamu `alaykum warahmatullah wabarakatuh.

193- Ruling on giving triple divorce to execute irrevocable one

From `Abdul-`Aziz ibn `Abdullah Ibn Baz to the respected brother, His Eminence, President of Al-Dammam Court and its affiliates, may Allah keep and support you. Amen.

As-salamu `alaykum warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you.)

I received your noble letter no. 2/2503 dated 06/09/1392 A. H. I also read the attached document that was issued by the dictation of the Eminent Shaykh, your juridical attendant who registered the manner of the Talaq (divorce pronounced by a husband) that was given by the husband to his wife. Thus, the husband gave his wife one Talaq according to the Sunnah (supererogatory act of worship following the example of the Prophet), then revoked the Talaq. He then gave her two Talaqs in one phrase, intending to complete the three Talaqs and thereby giving his wife an irrevocable Talaq.

Based on the foregoing, my opinion is that the last Talaq is counted as only one Talaq. The husband may revoke this Talaq as long as the `Iddah (woman's prescribed waiting period after divorce or widowhood) of his wife has not expired. This is because giving two Talaqs, the second and the third simultaneously is just like giving the three Talaqs simultaneously. This is because in the two cases the husband was hasty in something that was not his own and so committed something Haram (prohibited).

It is worth mentioning that there is a Sahih (authentic) Hadith on the authority of Ibn `Abbas (may Allah be pleased with them both) to the effect that a triple Talaq (three simultaneous pronouncements of divorce) is only counted as one Talaq and the same applies to double Talaq. Accordingly, the total number of Talaqs that the wife in question was given is two; one Talaq still remains.

I hope Your Eminence will inform all the concerned parties about this, urge the husband to make Tawbah (repentance to Allah) for the last Talaq, because it is Munkar (that which is unacceptable or disapproved of by Islamic law and Muslims of sound intellect) just like triple Talaq. Anyway, the intention of the husband to give his wife an irrevocable Talaq is irrelevant as it has no effect. May Allah reward you and bless your efforts. As-salamu `alaykum warahmatullah wabarakatuh.

194- Triple divorce before consummation of marriage

This letter is from `Abdul-`Aziz ibn `Abdullah Ibn Baz to the respected brother, His Excellency, chief justice of the Supreme Court of Abha, may Allah grant you success! Amen.

As-salamu `alaykum warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you.)

Dear brother, I have received your kind letter no. 6961 dated 18/4/1394 A.H., may Allah guide you. I read the copy attached therewith of the divorce paper which reads: "Praise be to Allah, Alone. In reference to the letter no. 1983 dated 11/7/1394 A.H. which I, Chief of the Supreme Court, have received from Shaykh `Abdul-`Aziz ibn `Abdullah Ibn Baz with regard to the case of a husband who quarreled with his wife and as a result he pronounced a triple divorce (three simultaneous pronouncements of divorce). He never divorced her before or after this time. His Eminence has ordered the presence of the wife and her father before him to verify the incident and ask them whether the husband pronounced Talaq (divorce pronounced by a husband) before or after this time, and to see if the wife wants him to take her back in marriage. On 16/8/1394 A.H. the husband, his wife, and his father-in-law came and I asked them about the Talaq.

They replied that the marriage contract took place but the husband did not consummate the marriage until now and she is still a virgin. They added that the husband did not pronounce Talaq before or after this incident. He pronounced a triple divorce that he divorced his wife by saying: 'You are Taliq (divorced), Taliq, Taliq'. They do not object to her returning to him."

Accordingly, I have issued a Fatwa to the husband concerned that one pronouncement of divorce has come into effect and there would be no revocation except with a fresh marriage contract that meets all the Shar`y (Islamic legal) conditions. This is because he did not consummate the marriage. It was authentically reported from the Messenger of Allah (peace be upon him) on the authority of Ibn `Abbas (may Allah be pleased with them) to the effect that such Talaq is considered only one Talaq. I thus hope Your Eminence will convey this to all those who are concerned. I would like you also to ask the husband to make Tawbah (repentance to Allah) for as Your Excellency know this kind of Talaq is Munkar (that which is unacceptable or disapproved of by Islamic law and Muslims of sound intellect). May Allah reward you with the best for the help you provided for the husband and his wife. As-salamu `alaykum warahmatullah wabarakatuh.

(Part No. 21; Page No. 415)

Ruling on a triple divorce and considering the wife as unlawful as a mother

From `Abdul-`Aziz ibn `Abdullah Ibn Baz to the respected brother, the judge of Al-Na'iriyyah. May Allah grant you success. Amen.

As-salamu `alaykum warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you.)

I read the enclosed document no. 401, dated 16/10/1398 A.H., which is a reply to my letter sent no. 1/1450, dated 2/10/1398 A.H. I understood the content which can be summarized as follows: a husband, before consummating the marriage, prononced a triple divorce using one word and considered his wife as unlawful to him as his mother.

Consequently, I issued a Fatwa (legal opinion issued by a qualified scholar) to the husband that one pronouncement of divorce is effected and that he may remarry his ex-wife with a new marriage contract meeting the conditions prescribed by Shari'ah. He has to offer a Kaffarah (expiation) for the act of Zhihar (a man likening his wife to an unmarriageable relative) before consummating the marriage as indicated by the proofs of Shari`ah. Everyone should be informed about the Fatwa. The husband should be advised to perform Tawbah (repentance to Allah), for he declared a three-fold divorce because, as you know, it is Munkar (that which is unacceptable or disapproved of by Islamic law and Muslims of sound intellect) divorce. You can explain to him the Sunnah-based divorce, so that he will be of sure knowledge on this matter in the future.

(Part No. 21; Page No. 416)

May Allah reward you the best for your efforts. As-salamu `alaykum warahmatullah wabarakatuh.

Chairman of the Departments of

Scholarly Research, Ifta', Da`wah, and Guidance

196- Ruling on a husband saying to his wife: "You are divorced three times irrevocably"

From `Abdul-`Aziz ibn Abdullah Ibn Baz to His Eminence, the venerable brother, chairman of courts of Jizan region, may Allah guide you to every goodness. Amen.

As-salamu `alaykum warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you.)

Dear brother, your revered letter no. 1132, dated 5/6/1393 A.H. reached us, may Allah guide you. It stated that a husband quarreled with his wife and that he divorced her by saying, "You are divorced three times irrevocably". This is according to what was mentioned in the attached paper where there is a confirmation by the wife and her Waliy (a legally accountable person acting for a woman seeking marriage) who is her son, along with their confession that the phrase this man uttered was one pronouncement. The document also mentioned that the man did not divorce his wife before or after this and that divorce took place one month and fifteen days ago and this is quite clear for us. Accordingly, I gave the man a Fatwa (legal opinion issued by a qualified scholar) that his wife was divorced one time by his saying and that he is allowed to return her

as long as she is still in her `Iddah (woman's prescribed waiting period after divorce or widowhood). If she finishes the `Iddah or if the man's divorce took place against a recompense, he is not allowed to return this woman as a wife except with a new contract of marriage that meets all the required legal conditions as it is known and coincides with what is authentically reported from the Prophet (peace be upon him) in this regard. I hope Your Eminence will accomplish the necessary procedures and inform all the people involved in this matter about the aforementioned Fatwa and command the husband to repent from his divorce for it was done in a sinful way, as Your Eminence know. May Allah reward you well for your efforts.

As-salamu `alaykum warahmatullah wabarakatuh.

197- Triple Talaq with one pronouncement is one divorce

From `Abdul-`Aziz ibn `Abdullah Ibn Baz to His Majesty King Faysal Ibn `Abdul-`Aziz, may Allah guide you to all success and bless your life. Amen.

As-salamu `alaykum warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you.)

May Allah protect you. I would like to tell Your Majesty that during the moth of Safar, 1390 A.H., a resident of Makkah came and asked me to issue him a Fatwa regarding a divorce he made against his wife. He stated in his request for a Fatwa that he previously divorced her once and after a while, he took her back in marriage. Then in Safar, 1390 A.H., he initiated a triple divorce (three simultaneous pronouncements of divorce). I wrote a letter and sent it with him to His Eminence, Judge of the Instance Court of Makkah to verify what really happened after summoning his wife and her Waliy (a legally accountable person acting for a woman seeking marriage), if she has an existing one, as this is the custom followed in such a case. The Shaykh replied by sending me a letter dated 21/3/1390 A.H. informing me that the wife came to him and verified the manner of divorce pronounced by her husband. Based on this,

I informed them both that this manner of divorce is only rendered as one divorce to be added to the previous one. Thus, there is still one divorce for him. I informed them of this through a letter I sent to the Shaykh no. 514, dated 29/3/1390 A.H. Following the mentioned Fatwa, the couple remained with each other for more than a year. Then they filed a lawsuit before the Supreme Court of Makkah due to a dispute that took place between them. The court's assistant judge annulled the Fatwa issued by me and separated between them, based on that a triple divorce (three simultaneous pronouncements of divorce) by one pronouncement is to be irrevocable that makes her unlawful to her husband. It is known that the Fatwa deeming the triple divorce as one divorce if they are stated by one pronouncement coincides with what was authentically reported in the Sahih (authentic book of Hadith) of Imam Muslim (may Allah be merciful with him) in the Hadith of Ibn `Abbas (may Allah be pleased with them both) that (the triple divorce was treated as one divorce during the lifetime of the Prophet (peace be upon him) and that of Abu Bakr (may Allah be pleased with him) and two years of the caliphate of `Umar (may Allah be pleased with him).) It was also narrated by Imam Ahmad (may Allah be merciful with him) in his Musnad (Hadith compilation) with a good chain of narrators on the authority of Ibn `Abbas (may Allah be pleased with them both): (That Abu Rukanah pronounced a triple divorce against his wife. Yet the Prophet (peace be upon him) ordered him to take her back in marriage and said that it is just one divorce.) This is common knowledge among scholars. This was the opinion held by a group of scholars from among the Companions and those who followed them. It was also adopted by Shaykh-ul-Islam Ibn Taymiyyah and his disciple scholar, Ibn Al-Qayyim. I used to give Fatwas based on this opinion thirty years ago, after making sure

what really happened by the husband and the wife who wants me to issue them a Fatwa. I know of no judge nullifying the Fatwa. Though our Shaykh Muhammad (may Allah be merciful with him) opined that a triple divorce is irrevocable, I do not know that he nullified any of my Fatwas in this issue. It is well-known that the nullification of a Fatwa results in much evil and wide corruption, especially if it coincides with the purified Shari`ah. Upon knowing that the mentioned Fatwa was nullified, I wrote a letter to His Eminence, president of the Court of Cassation of Makkah no. 1778, dated 19/9/1390 A.H. where I explained to him the reality of the matter and substantiated it with the juristic proofs in this regard. I asked His Eminence to examine the issue and discuss it with the other members to persuade the mentioned Shaykh that it is his ruling that is to be nullified or to entitle the Court of Cassation to nullify it, if it sees so. Yet it decided nothing. Rather it referred the papers to the mentioned Shaykh and then returned them to us through their letter no. 3815, dated 24/10/1390 A.H., with an attachment of his reply implying his insistence on the ruling. In light of what I have mentioned, I believe that the aforementioned woman is still in her husband's `Ismah (the bond of marriage, i.e. the right to initiate divorce) and that the ruling given by the mentioned Shaykh to nullify my Fatwa, which the couple have been following and adhering for a long time, is not sound. Thus, I beg Your Majesty to refer this issue to the Supreme Court to examine it.

I also hope (Your Majesty will) order the province of Makkah to inform the woman's Waliy that he should not allow her to marry until the mentioned body has examined the case, because I have received a cable from the husband informing me that his wife is about to be given in marriage to another man, yet, she is still his wife.

I ask Allah to guide us all to reach what is right in words and deeds, for He is the best One asked for help. Seeking to be free from accountability and to give sincere advice to Muslims, I have written this. As-salamu `alaykum warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you.)

(Part No. 21; Page No. 423)

198- Question: a man divorced his wife three times to be safe from her evil

From `Abdul-`Aziz ibn `Abdullah Ibn Baz to our dear brother, chairman of the Al-Karantinah Center, Jeddah, May Allah guide you to all good. Amen.

As-salamu `alaykum warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you.)

Dear brother, I received your noble letter dated 16/11/1389 A.H. May Allah guide you. I read the enclosed paper which includes your verification of the manner of divorce given by a husband against his wife. He divorced her once. Then she held him and said: "If you are a true man, divorce me three times." Thereupon, he said to her: "You are divorced three times, forbidden." He did so just to be safe from her evil. Not divorcing her before this, he immediately took her back in marriage. Both his wife and her brother, who is her Waliy (a legally accountable person acting for a woman seeking marriage), confirmed this. You verified this through listening to all of them.

Based on this, I have given Fatwa to the husband that the first and last divorces he uttered entailed that his wife became divorced from him twice and that his taking her back in marriage

(Part No. 21; Page No. 424)

was valid, because both the wife and her Waliy confirmed this. It was authentically reported from the Prophet (peace be upon him) what proves that such an utterance of divorce made by this husband is considered one divorce. I hope everyone will be notified about this. We informed the husband that uttering three simultaneous pronouncements of divorce is not permissible; that he should repent for that; and that there remains for him just one divorce. May Allah reward you, bless your efforts, and reward you for all that you did for Muslims. As-salamu `alaykum warahmatullah wabarakatuh.

Ruling on a man saying to his wife: "You are divorced thirty-thousand times"

From `Abdul-`Aziz ibn `Abdullah Ibn Baz to our dear honorable brother, His Eminence, Deputy President of Ha'il Courts, may Allah guide you to all good. Amen.

As-salamu `alaykum warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you.)

Dear brother, I received your noble letter dated 3/12/1392 A.H. in response for my letter no. 2103 dated 29/11/1392 A.H. May Allah guide you. I have read it as well as the enclosed papers regarding the divorce given by a husband to his wife. I found that what happened can be summarized as a discussion occurred between him and her, which grew into a dispute and cursing that irritated and angered him. He told her that she is divorced thirty-thousand times and thereafter he added that she is divorced sixty-thousand times of divorce. Then, he came to us bearing the paper wherein you made sure of the manner of divorce. I referred him back to your Eminence to complete some procedures. He returned to Ha'il where his mother asked him about what happened in his request for Fatwa (legal opinion issued by a qualified scholar). Unable to bear her words,

he said that his wife is divorced a thousand times. Two fair witnesses attended at Your Eminence and testified that the husband is irritable and always gets irritated and loses his awareness; that his anger is not normal, and that he gets angry for the slightest reasons. Two other witnesses who are known to Your Eminence came to you and gave a detailed testimony that the husband tore up the money sent to him by his mother when he got angry.

Based on this, I issued him a Fatwa that the divorces he uttered are not valid and that his wife is still in his `Ismah (the bond of marriage, i.e. the right to initiate divorce), because the legal evidence proves that intense anger does not render the utterance of divorce valid, as it is well-known. Of such evidence is a Hadith narrated by Imam Ahmad, Abu Dawud, Ibn Majah, and is considered by Al-Hakim as Sahih (authentic) on the authority of `Aishah (may Allah be pleased with her) that the Prophet (peace be upon him) said: ﴿There is no divorce or emancipation in case of Ighlaq (i.e. constraint or duress).﴾ A group of scholars, including Al-Imam Ahmad, interpreted Ighlaq as coercion and anger. I hope Your Eminence will inform all the people involved in this matter about that and advise the husband to fear Allah and beware of the reasons leading to anger and to seek refuge with Allah from the accursed Satan when this occurs to him. May Allah reward you for your efforts. As-salamu `alaykum warahmatullah wabarakatuh.

300- Ruling on saying to one's wife: You are divorced as many as the fronds and the grains of dust

From `Abdul-`Aziz ibn `Abdullah Ibn Baz to the respected brother, the judge of Hijaz, Qarn. May Allah grant you success. Amen

As-salamu `alaykum warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you.)

I received your letter, dated 1/11/1390 AH, no. 1476. I have also read the enclosed request sent by a husband to you concerning the divorce he declared by saying to his wife: "You are divorced as many as the fronds and the grains of dust." I know you ask for a Fatwa supported with evidence on this question. My opinion is that the said husband and his ex-wife's Waliy (a legally accountable person acting for a woman seeking marriage) should be questioned whether he divorced his wife before or after this incident. If they acknowledge that this is the first time for the husband to declare divorce,

the husband should abide by the following Fatwa. One pronouncement of divorce is effected and he may remarry his ex-wife with a new marriage contract meeting the conditions prescribed by Shari'ah, if he did not revoke the divorce during her `Iddah (woman's prescribed waiting period after divorce or widowhood). The husband should be advised to perform Tawbah (repentance to Allah) because of declaring such an unlawful divorce, which is a sin as you know. Among the proofs which affirm the validity of this Fatwa is a Hadith that is authentically related by Muslim in his Sahih (authentic) Book of Hadith

on the authority of Ibn `Abbas (may Allah be pleased with both of them) that: ﴾The triple divorce (three simultaneous pronouncements of divorce) was considered one divorce during the lifetime of Allah's Messenger (peace be upon him) and that of Abu Bakr and for two years of the caliphate of` `Umar... ﴿ There is another Hadith to the same effect, and is also narrated by Ibn `Abbas concerning the story of Abu Rukanah: ﴾When he made three pronouncements of divorce at the same time. The Prophet (peace be upon him) gave him a Fatwa, saying, "This is one (divorce) [i.e., three divorce pronouncements given at once count as only one divorce].﴿ (Related by Ahmad in his Musnad through a good Sanad (chain of narrators))

This manner of divorce declared by the husband falls under the heading of a three-fold divorce. The necessary procedures should be completed and everyone should be informed of this Fatwa. May Allah reward you the best for your efforts. As-salamu `alaykum warahmatullah wabarakatuh.

201- Question on triple divorce

A husband, a wife and her brother came to me. The husband confessed that a dispute erupted between him and his wife during a trip three years ago. He forbade for himself to travel again with his wife's family because of the troubles he faced. After that, he divorced her one divorce while she was pregnant and took her back in marriage before she gave birth to a baby. His boss and the Imam of the neighboring Masjid (mosque) were witnesses to this divorce. A week ago, he announced a triple divorce (three simultaneous pronouncements of divorce) and his wife and her brother said this was true.

Accordingly, I gave a Fatwa (legal opinion issued be a qualified scholar) to the husband that he should offer a Kaffarah (expiation) for his oath [not to travel with them again]. His wife is considered divorced twice. The first when he divorced her once, and the second when he announced a triple divorce. There is still one more divorce. He may take her back in marriage during her `Iddah (woman's prescribed waiting period after divorce or widowhood). He took her back in marriage before me in the presence of a group of people; by this she returns to his `Ismah (bond of marriage, i.e. the right to initiate divorce). Dictated by `Abdul-`Aziz ibn `Abdullah ibn Baz, may Allah forgive him.

(Part No. 21; Page No. 430)

202- Ruling on triple divorce before consummation of marriage

From `Abdul-`Aziz ibn Abdullah Ibn Baz to the venerable brother, His Eminence, chairman of the Higher Court of Al-Ta'if may Allah guide you to every goodness. Amen.

As-salamu `alaykum warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you.)

Dear brother, I read what Your Eminence stated at the end of my letter no. 1311, dated 11/11/1389 A.H. concerning a husband who announced a triple divorce (three simultaneous pronouncements of divorce) against his wife in one pronouncement before consummating the marriage in return for one thousand riyals and he did not divorce her before that. You maintained that you wrote this after questioning the husband and the Waliy (a legally accountable person acting for a woman seeking marriage) of his divorced wife, who is her father.

On this basis, I gave a Fatwa (legal opinion issued by a qualified scholar) for the husband that his wife was divorced one time and that he was allowed to return to her by means of a new marriage contract meeting all legal conditions. This is because she is not asked for an `Iddah (woman's prescribed waiting period after divorce or widowhood),

(Part No. 21; Page No. 431)

as she did not consummate her marriage as well as the fact that the divorce was concluded in return for recompense. There are authentic Hadiths that prove this. I hope you will inform all the people involved about the aforementioned Fatwa and command the husband to repent from his divorce as he did it in an unlawful way, as you know. May Allah reward you well. As-salamu `alaykum warahmatullah wabarakatuh.

203- Ruling on saying: You are divorced three times and forbidden to me but lawful to others

The husband came with his father-in-law and confessed that he said to his wife: "Do not close the room," referring to a certain room in the house, "If I come back from work and find it closed, you are divorced three times and forbidden to me but lawful to others." He did not want to divorce her but he only meant to warn her about closing the room. When he returned from work, he found the room closed. He mentioned that he asked for a legal verdict from Shaykh `Abdullah ibn Muhammad ibn Humayd, who gave him a Fatwa (legal opinion issued by a qualified scholar) that the divorce he described took the same ruling of an oath; the divorce will not be effective and he has to offer a Kaffarah (expiation) if the case is as he mentioned. He mentioned that he came with his father-in-law before the Shaykh when he was a Judge in Riyadh in 1385 A.H. He showed him the mentioned Fatwa and acknowledged it. He showed me a document issued and stamped by the Shaykh, verifying what the husband mentioned. The husband confessed that he divorced the wife three times in one pronouncement of divorce on 1st Jumada Al-Ula, 1392 A.H., but did not divorce her except this time. After asking her father, he answered that

he does not know of any incident of divorce other than the one mentioned.

Accordingly, my Fatwa is that the mentioned wife was divorced one time and that her husband may take her back in marriage as long as she is in her `Iddah (woman's prescribed waiting period after divorce or widowhood). They all admitted that she was pregnant at the time the Fatwa was issued and the husband took her back in marriage in the presence of her father and a group of Muslims. It was authentically reported that the Messenger of Allah (peace be upon him) said in a Hadith narrated by Ibn `Abbas (may Allah be pleased with them) to this effect. We explained to them that the triple divorce in one utterance is not permissible and that the husband must repent to Allah (Exalted be He). Dictated by `Abdul-`Aziz ibn `Abdullah Ibn Baz. May Allah send His peace and blessings upon our Prophet Muhammad, his family and Companions.

President of the Islamic University

in Madinah

204- Ruling on doubting the number of pronouncements of divorce

From `Abdul-`Aziz ibn `Abdullah Ibn Baz to the honorable brother, His Eminence, Chief Justice of the Court of Al-Dalm. May Allah grant you all success. Amen.

As-salamu `alaykum warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you.)

Dear brother, I received your letter dated 4 Sha`ban, 1388 A.H. I understood what you mentioned concerning the way the Talaq (divorce pronounced by a husband) initiated by a husband against his wife. He pronounced a triple divorce (three simultaneous pronouncements of divorce) in one pronouncement, with which his wife is deemed unlawful to him according to his brother-in-law. The husband is not sure about the manner he pronounced the divorce, whether he divorced her irrevocably or it was a triple divorce. This is what he confessed to me.

Based upon this and upon the husband's confession that he did not divorce her before and his brother-in-law's confession that he does not know whether the husband pronounced Talaq (divorce pronounced by a husband) other than what he mentioned, I gave the husband a Fatwa (legal opinion issued by a qualified scholar) that he effected one time of divorce, whether the reality is what the husband confessed or what the brother-in-law claimed. The husband is permitted to take her back in marriage as long as she is in her `Iddah (woman's prescribed waiting period after divorce or widowhood). This is indicated by what is authentically reported from the Prophet (peace be upon him).

Saying that the wife is considered unlawful to him is concordant with and expressive of Talaq but results in nothing; besides, the husband did not confess it. I hope Your Eminence will inform all the people involved about this and go through the necessary legal procedures. May Allah reward you with the best and protect you. As-salamu `alaykum warahmatullah wabarakatuh.

(Part No. 21; Page No. 436)

205- Triple divorce in one pronouncement is counted as one time of divorce

From `Abdul-`Aziz ibn `Abdullah Ibn Baz to the honorable brother, chairman of Al-Jawf Court, may Allah guide you to good. Amen.

As-salamu `alaykum warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you.)

Dear brother, I received your letter no. 1976, dated 6/10/1394 A.H., may Allah guide you. Your letter included the following: "We send you therein an inquiry of a husband, registered with no. 2878, dated 5/10/1394 A.H., about a Fatwa (legal opinion issued by a qualified scholar) concerning what happened between him and his wife. We requested the husband to come to the court along with his wife and her Waliy (a legally accountable person acting for a woman seeking marriage), who is her brother. All of them were questioned about the reality of what happened and whether there was any other divorce before or after that. The husband maintained that he divorced his wife three times in one pronouncement when she disobeyed him, whereas the wife and her Waliy stated that they did not hear anything about that. The wife and her Waliy opined that they want her to return to her husband if this is lawful. Also, the husband said that he never divorced his wife before or after that time. Other persons also attended the hearing and swore by Allah that the husband called them to bear witness

(Part No. 21; Page No. 437)

that he had returned his wife and this took place in the month of Rabi` this year. The Fatwa about the times of divorce was not clear for us, as well as what we noticed concerning the desire of the couple to return to one another and therefore, we opt to refer the issue to Your Eminence to give your Fatwa in accordance with the Sunnah of the Prophet (peace be upon him)."

In the light of what is mentioned, I gave a Fatwa for the husband that his wife is divorced one time and returning her is valid if the woman and her Waliy testify that the husband did not divorce his wife twice before or after that as well as that the husband returned her before her `Iddah (woman's prescribed waiting period after divorce or widowhood) elapsed. I hope Your Eminence will accomplish the necessary procedures and inform all the people involved about the mentioned Fatwa and ask the husband to repent to Allah for this, because this manner of divorce is religiously unacceptable as you know. May Allah reward you good and fulfill your efforts. As-salamu `alaykum warahmatullah wabarakatuh.

206- Impermissibility of triple divorce

A husband, his wife, and his brother-in-law appeared before me. The husband stated that on Wednesday 26/3/1393 A.H., he was angry at his wife to the extent that he pronounced a triple divorce (three simultaneous pronouncements of divorce). He added that he has never pronounced Talaq (divorce) before or after this incident. The wife verified that she did not hear the expression of divorce which her husband used but she only heard the words, "divorced, divorced." She added that he has never divorced her before or after this time. The husband denied what his wife said and added that he does not remember except that he pronounced three pronouncements of divorce at one time. Her brother testified that he was not present when the divorce took place. He added that he does know the expression of divorce which the husband used except what he has confessed and that the husband did not divorce his sister before or after this incident.

Accordingly, I have issued a Fatwa (legal opinion issued by a qualified scholar) to the husband that one pronouncement of divorce has come into effect and that he can take her back in marriage as long as she is in her `Iddah (woman's prescribed waiting period after divorce or widowhood). It was authentically reported from the Prophet (peace be upon him) that this is considered only one Talaq. The husband returned his wife

at my office and in the presence of her brother. Thus, the wife is back in the `Ismah (the bond of marriage) of her husband. I made it clear to everyone that giving a triple divorce is not permissible, and thus the husband has to make Tawbah (repentance to Allah).

May Allah set right the conditions of all of us. Dictated by `Abdul-`Aziz ibn `Abdullah Ibn Baz, may Allah forgive him. Blessings and peace be upon Muhammad, his family, and Companions.

307- Whoever pronounces triple divorce has to repent

From `Abdul-`Aziz ibn `Abdullah Ibn Baz to the honorable brother, His Eminence, Chef Justice of Solidarity and Marriage Court of Riyadh, may Allah grant you success. Amen.

As-salamu `alaykum warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you.)

Dear brother, I received your letter dated 5 Rabi` II, 1393 A.H., in reply to my letter no. 551, dated 27 Rabi` I, 1393. A.H. I looked at the attached document which mentions that both spouses came to you and you checked the way and the number of Talaq (divorce pronounced by a husband) that was pronounced against the wife. The husband confessed that he divorced her one time in Rabi` II, 1392 A.H. then he pronounced a triple divorce (three simultaneous pronouncements of divorce) in Dhul-Qi`dah, 1393 A.H. The wife testified to all this and confessed that he divorced her in the way previously mentioned.

The husband confessed that he took her back in marriage after the first pronouncement of Talaq and also said that he took her back in marriage two days after the second pronouncement of Talaq.

Accordingly, I gave the husband a Fatwa (legal opinion issued by a qualified Muslim scholar) that he divorced his wife twice; one through the first pronouncement and the second through the last pronouncement that was effected in Dhul-Qi`dah, 1393 A.H. What is authentically reported from the Prophet (peace be upon him) provides evidence to the fact that his (the husband in question) last Talaq is considered as one. As for his claiming that he took her back in marriage after the second pronouncement of Talaq, this needs elaboration. If it is proven that he did so when she was still in her `Iddah (woman's prescribed waiting period after divorce or widowhood), she is his wife, and there is no need to renew the marriage contract. If it is not proven that he took her back in marriage during her `Iddah, she is not lawful for him except with a new marriage contract that meets all the legal conditions. One time of Talaq is still remaining for her. We have instructed the husband that the triple divorce is not permissible and he has to repent of this to Allah (Exalted be He). I hope Your Eminence will inform them about this. May Allah reward you with the best. As-salamu `alaykum warahmatullah wabarakatuh.

(Part No. 21; Page No. 442)

208 - Triple divorce is unlawful and the husband has to repent

A husband came to me with his father-in-law. The husband said he wrote a triple divorce (three simultaneous pronouncements of divorce) to his wife and gave her a document through her father and he did not divorce her before or after that. After asking the father-in-law, he showed a document no 907, dated 14/10/1390 A.H., proving what the husband admitted. The document is dictated by the Judge of the Legal Court of Jeddah. We asked the father-in-law whether this divorce was preceded or followed by another one, and whether his daughter was willing to return to her husband if this is lawful by Shari`ah. He answered that he does not know whether the husband divorced her before or after that, noting that his daughter wants to return to her husband if the Shari`ah permits that.

According to all that, I gave them a Fatwa (legal opinion by a qualified scholar) that the wife was divorced only one time and that it was permissible for the husband to remarry her with a new marriage contract meeting all legal conditions, because her `Iddah (woman's prescribed waiting period after divorce or widowhood) has expired.

(Part No. 21; Page No. 443)

It was authentically reported that Ibn `Abbas (may Allah be pleased with him) said that such a divorce is considered as only one divorce. I explained to him that it is not permissible to make three pronouncements of divorce at one time. The abovementioned husband has to repent from that.

Dictated by `Abdul-`Aziz ibn `Abdullah Ibn Baz. Peace and blessings be upon Prophet Muhammad, his family and Companions.

209 - Triple divorce is counted only one

A husband, his mother, wife and brother-in-law came to me. The husband admitted that he pronounced a triple divorce (three simultaneous pronouncements of divorce) against his wife at one session on Saturday, 18/3/1393 A.H. He added that he had previously divorced her on 1392 A.H. then took her back. By asking the brother-in-law and the husband's mother; they confirmed the husband's account. They all declared that the wife is deaf. When her mother-in-law asked her in the presence of the attendees about the incident using Sign Language, she answered that she did not know.

Based on this, I issued a Fatwa (legal opinion issued by a qualified scholar) that the last Talaq (divorce pronounced by a husband) pronounced by the husband was considered a one-fold Talaq, and would be added to the previous one. Accordingly, she only has one more divorce left. The husband may also take his wife back in marriage during her `Iddah (woman's prescribed waiting period after divorce or widowhood); according to authentic reports from the Prophet (peace be upon him) mentioned to that effect. Therefore, he took her back in marriage in the presence of her brother.

Dictated by the humble servant of Allah, `Abdul-`Aziz ibn Abdullah Ibn Baz, may Allah forgive him. May peace and blessings be upon Prophet Muhammad, his Family, and Companions.

(Part No. 21; Page No. 445)

210- Regarding triple divorce

A husband came to me along with his brother-in-law. The husband acknowledged that he had given his wife a triple divorce (three simultaneous pronouncements of divorce). The husband also mentioned that he and his wife made Khul` (divorce initiated by a wife for a consideration) in 1390 A.H. and showed a document issued by the Court of Madinah to that effect. The couple then remarried and had a daughter, then the husband gave his wife the triple divorce referred to above on 10/01/1393 A.H. The husband stated that he did not pronounce any divorce against his wife other than what has been mentioned and that the triple divorce was not for any consideration. The wife's brother, who was officially authorized by his father via a document issued by the notary public of Al-Madinah Al-Munawwarah no. 345 dated in 17/02/1393 A.H. to represent his sister, was asked about what was stated by the husband concerned. The wife's brother replied that his brother-in-law spoke the truth. He added that his sister did not know anything about what her husband did other than what he mentioned and that she would like to return to her husband if the Shari`ah (Islamic law) allows this. I then asked the wife about what has been mentioned by her husband and she affirmed it. The wife also mentioned that her `Iddah (woman's prescribed waiting period after divorce or widowhood) has not been expired and that she has no objection to return to her husband in marriage if it is permissible according to Shari`ah.

Based on all the foregoing, I gave this couple a Fatwa (legal opinion issued by a qualified Muslim scholar) that the concerned triple divorce is counted as

(Part No. 21; Page No. 446)

one Talaq only. The husband may revoke this Talaq as long as the `Iddah of his wife has not expired. This is because it is authentically reported from the Prophet (peace be upon him) that a triple divorce is counted as only one Talaq. Thus, the husband revoked the Talaq before me and in the presence of his brother-in-law and a group of Muslims. Therefore, the wife returned to the `Ismah (the bond of marriage) of her husband. I made it clear to the husband that giving a triple divorce is not permissible and that he has to make Tawbah (repentance to Allah) for having done so.

Dictated by the servant who is in bad need for the Forgiveness of His Lord, `Abdul-`Aziz ibn `Abdullah Ibn Baz, President of the Islamic University in Al-Madinah Al-Munawwarah. May Allah pardon him. Peace and blessings be upon Allah's Servant and Messenger; our Prophet Muhammad, his family, and Companions.

Ruling on divorcing a wife twice in one pronouncement

A husband and his wife's brother came to me and the husband acknowledged that he had divorced his wife in one pronouncement. Accordingly, he has a divorce document for it, then he returned his wife. After that, he divorced her in two pronouncements and he has a divorce document for it. He did not divorce her after that. Asking her brother, he answered that he does not know that the husband divorced her more that what he mentioned. He only knew about such divorce through the two divorce documents owned by the husband. The brother and the wife said that they would like the spouses to remarry if the Shari`ah permits that.

Accordingly, my Fatwa (legal opinion issued by a qualified scholar) was that the last divorce pronounced by the husband was counted and was added to the previous one, totaling two divorces. So, there is one divorce remaining and they can remarry with a new marriage contract meeting all legal conditions. It was authentically reported that Ibn `Abbas (may Allah be pleased with them both) indicated that such a manner of divorce [i.e. the last one made by this husband] is considered as only one divorce; the same case as the divorce made with three pronouncements. The wife came before me and confirmed what her brother had said and she said that she did not mind to

remarry her husband. Therefore, her brother showed agreement on the marriage of his sister to the above-mentioned husband and the husband accepted the marriage on a Mahr (mandatory gift to a bride from her groom) and that was acknowledged by all. In this way, the divorced wife once again became a wife to the abovementioned husband as witnessed by all and by issuing the abovementioned marriage contract.

Dictated by the poor servant to His Lord, `Abdul-`Aziz ibn `Abdullah Ibn Baz, may Allah forgive him. May peace and blessings be upon Prophet Muhammad, his family and Companions.

Ruling on a husband who divorced his wife seventy times in one pronouncement

From `Abdul-`Aziz ibn `Abdullah Ibn Baz to the honorable brother, the Judge of Turbah Court. May Allah guide you to every good. Amen. As-salamu `alaykum warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you.). To proceed:

I received your honorable letter no. 692, dated 24/12/1386 A.H., replying to my letter asking about the way a husband divorced his wife. It mentioned that the husband, the wife's Waliy (a legally accountable person acting for a woman seeking marriage) and two witnesses came to you, and the husband acknowledged that he had divorced his wife in his brother's house; seventy divorces in one pronouncement, and that he made her return to him as a wife immediately. Asking the two witnesses, they confirmed what the husband said. This was also confirmed by the wife's brother, who said the husband did not divorce his wife before this time.

According to what you mentioned, my Fatwa (legal opinion issued by a qualified scholar) is that the husband divorced his wife once and it was correct to return her if that was proven to you. It was authentically reported that the Prophet (peace be upon him) made a statement that confirms the abovementioned Fatwa. We explained to the husband that the manner he made this divorce was Munkar (that which is unacceptable or disapproved of by Islamic law and Muslims of sound intellect) and that he has to repent to Allah. We explained to him how divorce takes place according to the Sunnah. So, would you please advise the wife's Waliy about that. May Allah reward you and make your steps firm. May Allah set right the affairs of all people. Amen. As-salamu `alaykum warahmatullah wabarakatuh.

213- Ruling on divorcing one's wife by saying: "I give you a triple divorce. I give you a triple divorce"

From `Abdul-`Aziz ibn `Abdullah Ibn Baz to the respected brother, may Allah guide you to all goodness. Amen.

As-salamu `alaykum warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you.)

I received your noble letter dated in 17/11/1388 A.H. I also read the attached paper regarding the manner of Talaq (divorce pronounced by a husband) initiated by a husband to his wife. The husband concerned said to his wife while he was in a state of anger: "I give you a triple divorc. I give you a triple divorce." The following day, the husband revoked the Talaq. The Waliy (a legally accountable person acting for a woman regarding marriage) of the ex-wife affirmed what was been said by the ex-husband. Moreover, you mentioned that the husband confessed that he repeated the word of Talaq only to emphasize it.

My opinion is that both the husband and the Waliy of the divorcee should be asked whether the Talaq in question was preceded by any other Talaq. If they state that no Talaq occurred other than that, my Fatwa (legal opinion issued by a qualified Muslim scholar) to the husband is that

only one Talaq is counted. Moreover, revoking such a Talaq is valid if it is surely proven or through the acknowledgment of the wife. It is renowned that there is a Sahih (authentic) Hadith narrated from the Prophet (peace be upon him) that supports this Fatwa. Thus, I hope you will complete the necessary procedures and enjoin the husband to make Tawbah (repentance to Allah) for having given his wife a triple divorce, for doing so is not permissible. On the other hand, please tell us if the Talaq in question was preceded by any other Talaq. May Allah reward you with the best for your efforts.

As-salamu `alaykum warahmatullah wabarakatuh.

214- A husband gave his wife a triple divorce

one year ago and did not give her any other divorce before or after this

A husband, his wife, and their son came to me. They were introduced to me by Shaykh Dh. S. and Prince M.R. The husband confessed that he gave his wife a triple divorce (three simultaneous pronouncements of divorce) one year ago and that he did not give her any other divorce before or after this. The wife, her Waliy (a legally accountable person acting for a woman regarding marriage), and her son affirmed what the husband said.

Based on the foregoing, I gave the husband concerned a Fatwa (legal opinion issued by a qualified Muslim scholar) that the Talaq (divorce pronounced by a husband) in question was counted as only one Talaq. The husband may, therefore, remarry his ex-wife by concluding a new marriage contract meeting all legal conditions. This is because there is a Sahih (authentic) Hadith narrated on the authority of Ibn `Abbas (may Allah be pleased with them both) to that effect. Thus, the husband asked me to conclude this marriage contract, so I did so according to the Shar`y conditions. The Mahr (mandatory gift to a bride from her groom) of the wife was six thousand riyals. Accordingly, the divorcee became a legal wife for the husband and two divorces remain. All this was witnessed by Shaykh Dh.S., Prince M.R., and Shaykh E. `A. H.

Dictated by a servant who is in bad need of the forgiveness of his Lord, `Abdul-`Aziz ibn `Abdullah Ibn Baz, may Allah pardon me. May peace and blessings be upon our Prophet Muhammad, his family, and Companions.

Chairman of the Departments of Scholarly Research,

Ifta', Da`wah, and Guidance

215- Regarding triple divorce

From `Abdul-`Aziz ibn `Abdullah Ibn Baz to the respected brother, His Eminence President of Bishah Court, may Allah guide you to all goodness. Amen.

As-salamu `alaykum warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you.)

I received your noble letter no. 2115, dated 29/10/1390 A.H. I also read the verification document attached to it in which Your Eminence recorded the manner of Talaq (divorce pronounced by a husband) that was given by a husband to his wife. The husband confessed to you that a dispute arose between him and his wife in 1389 A.H., so he gave her triple divorce (three simultaneous pronouncements of divorce). The husband then revoked the Talaq according to a Fatwa (legal opinion issued by a qualified Muslim scholar) that Your Eminence gave him. Then, in the month of Safar, 1390 A.H., a disputed erupted between him and his wife and he gave her a triple divorce. He did not give his wife any other Talaq. The husband then revoked the Talaq three months later and called upon two men as witnesses whom he brought them to Your Eminence. Thus, the witnesses testified that the husband revoked the Talaq that he had given to his wife in the month of Safar, 1390 A.H.,

two and a half months later. Your Eminence also mentioned that the wife's father came to you, affirmed what was declared by the husband, and submitted to you the last divorce document dated 02/2/1390 A.H., stating that the husband gave his wife a triple divorce and declared that she is unlawful to him and lawful to whoever proposes to marry her.

Based on the foregoing, my Fatwa to the husband in question was that the last triple divorce that he gave to his wife was counted as only one Talaq. By adding this to the previous Talaq, only one Talaq remains. Moreover, the revocation of Talaq referred to above was valid if that it took place before the expiry of the `Iddah (woman's prescribed waiting period after divorce or widowhood) of the wife. This is because it is known that a Sahih (authentic) Hadith is reported from the Prophet (peace be upon him) to that effect. Thus, I hope you will complete the necessary procedures, inform all the parties concerned of this Fatwa, and enjoin the husband to make Tawbah (repentance to Allah) for having pronouncing Talaq in this manner, for as Your Eminence knows, it is Munkar (that which is unacceptable or disapproved of by Islamic law and Muslims of sound intellect). May Allah reward you with the best for your efforts to Muslims. As-salamu `alaykum warahmatullah wabarakatuh.

216- Ruling on divorcing one's wife by saying to her: "You are divorced as many as the number of palm fronds"

From `Abdul-`Aziz ibn `Abdullah Ibn Baz to the respected brother, His Eminence President of Bishah Court, may Allah guide you to all goodness. Amen.

As-salamu `alaykum warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you.)

I received your noble letter no. 1100, dated 10/4/1394 A.H. in which you stated that a husband, his wife, and her father visited Your Eminence. The letter mentions that the husband gave Talaq (divorce pronounced by a husband) to his wife by saying to her: "You are divorced as many as palm fronds." But he did not give his wife any other Talaq than the foregoing; neither before nor after it.

Therefore, my Fatwa (legal opinion issued by a qualified Muslim scholar) to the husband in question was that the Talaq that he gave to his wife was counted as only one Talaq. Moreover, the husband may remarry his ex-wife by concluding a new marriage contract that meets all the Shar`y (Islamic legal) conditions. This is because this Talaq was not revoked during the `Iddah (woman's prescribed waiting period after divorce or widowhood) of the ex-wife. It is worth mentioning that a Sahih (authentic) Hadith is reported from the Prophet (peace be upon him) to that effect. Thus, I hope Your Eminence will complete the necessary procedures, inform all the parties concerned of this Fatwa, and enjoin the husband to make Tawbah (repentance to Allah) of giving Talaq in this manner, for, as Your Eminence knows, doing so is Munkar (that which is unacceptable or disapproved of by Islamic law and Muslims of sound intellect). May Allah reward you with the best for supporting Muslims. As-salamu `alaykum warahmatullah wabarakatuh.

217- Ruling on giving one's wife Talaq-ul-Battah

A husband, his wife, and her presenters visited me. The husband confessed that he gave his wife Talaq-ul-Battah (emphasized divorce) and declared her unlawful to him and lawful to anyone other than him in writing not verbally. The husband concerned showed me a paper to that effect and mentioned that he had previously given his wife one Talaq (divorce pronounced by a husband) then revoked it. I asked the wife about what was declared by her ex-husband and she affirmed it all and informed me that she had no present Waliy (a legally accountable person acting for a woman regarding marriage). I then asked her presenters and they affirmed what she said.

Based on all the foregoing, I gave the husband a Fatwa (legal opinion issued by a qualified Muslim scholar) that the last Talaq he gave to his wife was counted only one Talaq. By adding this to the previous Talaq, only one Talaq remains. The husband may revoke such Talaq as long as the `Iddah (woman's prescribed waiting period after divorce or widowhood) of his wife has not expired as there is a Sahih (authentic) Hadith to that effect. I asked the wife about the matter of her `Iddah and she answered that it has not expired and thus her husband revoked the Talaq before me and in the presence of the wife and the witnesses.

Dictated by a servant who is in bad need of the forgiveness of his Lord (Exalted be He), `Abdul-`Aziz bin `Abdullah Ibn Baz, Vice-President of the Islamic University in Al-Madinah Al-Munawwarah may Allah pardon me! May peace and blessings be upon Allah's Servant and Messenger Muhammad, his family, and Companions!

218- Regarding triple divorce

A husband, his brother-in-law, his father-in-law, and his wife visited me. The husband confessed that he got angry with his wife, so he gave her triple divorce (three simultaneous pronouncements of divorce) in Dhul-Hijjah, 1392 A.H. The husband mentioned that he did not give his wife any other Talaq (divorce pronounced by a husband); neither before nor after the Talaq mentioned above. I asked the wife, her father, and her brother about what was said by the husband and they affirmed it. They asked me to give them a Fatwa (legal opinion issued by a qualified Muslim scholar) regarding the whole matter.

I thus gave them a Fatwa that the Talaq referred to was counted as just one Talaq and that the husband might revoke it as long as the `Iddah (woman's prescribed waiting period after divorce or widowhood) of his wife has not expired. This is because there is a Sahih (authentic) narration from the Prophet (peace be upon him) to that effect. Accordingly, the husband revoked the Talaq before me and in the presence of the wife, her father, and her brother after the wife had stated that her `Iddah has not expired. The wife thus went back to the `Ismah (the bond of marriage) of her husband. Besides, the husband undertook to give his wife one thousand Saudi riyals in order to satisfy her and to spend from them on her personal needs. He also undertook to give her father two thousand riyals and thus all disputes amongst the different parties were settled.

Dictated by a servant who is in bad need of the forgiveness of his Lord (Exalted be He), `Abdul-`Aziz bin `Abdullah Ibn Baz, may Allah pardon me! May peace and blessings be upon Allah's Servant and Messenger Muhammad, his family, and Companions!

219- Triple divorce with one pronouncement at two times

From `Abdul-`Aziz ibn `Abdullah ibn Baz to the respected brother Shaykh Muhammad ibn Salih Al-`Uthaymin, may Allah guide you to all goodness! Amen!

As-salamu `alaykum warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you!)

I received your noble letters dated 09/01/1387 A.H. and 01/09/1388 A.H. I understood what you mentioned to the effect that the husband divorced his wife thrice with one pronouncement, so you gave him a Fatwa (legal opinion issued by a qualified Muslim scholar) to the validity of the revocation of such Talaq (divorce pronounced by a husband). The husband then gave his wife another triple divorce with one pronouncement, but you refrained from giving him a Fatwa to the validity of revoking such Talaq as Amir Al-Mu'minin (Commander of the Believers) `Umar ibn Al-Khattab (may Allah be pleased with him) counted triple divorce as three times of Talaq to block the means to wordplay and indifference. You mentioned that you would like to know my opinion regarding this matter.

I would, thus, like to inform you that as long as there is a Shar`y (Islamic legal) proof for the permissibility of revoking such Talaq, there is no need to refrain from applying it.

As long as the concerned husband did not give his wife any Talaq other than what has been mentioned and that this is verified by the affirmation of the Waliy (a legally accountable person acting for a woman seeking marriage) of the divorcee, my Fatwa to the concerned husband is that the last Talaq he gave his wife is counted as only one Talaq. By adding this to the previous Talaq, one Talaq only remains. The husband in question may, thus, remarry his divorcee by a new marriage contract that meets all the renowned conditions set by Shari`ah (Islamic law) since her `Iddah (woman's prescribed waiting period after divorce or widowhood) is over. There is a Sahih (authentic) narration from the Prophet (peace be upon him) to that effect. I, thus, hope you would inform all the concerned parties of this and enjoin the husband to make Tawbah (repentance to Allah) from giving triple divorce, for doing so is not permissible as Your Eminence knows. May Allah reward you and grant you success!

Besides, I received your study regarding triple divorce. I am revising it and I will inform you In sha'a-Allah (if Allah wills) of my opinion after finishing reading it. May Allah avail people of your knowledge and grant you and me more success to reach the truth and follow it. Verily, Allah is the Most Bountiful, the Most Gracious. As-salamu `alaykum warahmatullah wabarakatuh.

220- Triple divorce with one pronouncement

From `Abdul-`Aziz ibn `Abdullah ibn Baz to our dear brother, judge of Hijaz Bilqarn, may Allah guide you to every goodness! Amen!

As-salamu `alaykum warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you!)

O dear brother, I received your honorable letter number (85) dated 14/1/1393 A.H. which reads: To follow up on your letter number (1960) dated 1/11/1392 A.H. concerning a man and his wife, we inform you that the husband, wife and her Waliy (a legally accountable person acting for a woman seeking marriage) came to us. We asked the husband about how he divorced his wife and whether he divorced her before or not. He said, "I divorced my wife one time. Then, I remained in the same place for five minutes and divorced her thrice with one pronouncement. I did not divorce her other than these times." The wife's Waliy said that he was not present when the husband divorced his wife, but he had two persons as witnesses and some other people who attended the incident.

We asked the wife about this and she said, "I heard no word of divorce from my husband, but three years ago he came one day in the morning and said to me, 'Go to your family.' I went to my family but I want to return to my husband and children if this is possible." We received a reply from our deputy in Al-Khubar (first witness) with his signature and seal certifying what the husband said and this is included in the letter. Therefore, we again referred the case to your Eminence.

In accordance with this, I say to the husband that he has divorced his wife two times; one of them by the first time and the second by the triple divorce with one pronouncement. He is allowed to return her to his bond of marriage if she is still in her `Iddah (woman's prescribed waiting period after divorce or widowhood). If her `Iddah is over, she is to be lawful to him only by concluding a new marriage contract that meets all the necessary conditions set by Shari`ah (Islamic law), provided that the second witness confirms what the husband said. It was authentically reported that the Prophet (peace be upon him) has maintained that divorcing one's wife thrice with one pronouncement is counted as one pronouncement effecting divorce, as it is known to you. I hope you would accomplish the necessary procedures, notify all people of this Fatwa (legal opinion issued by a qualified Muslim scholar), and enjoin the husband to make Tawbah (repentance to Allah) from this triple divorce, which is not permissible. May Allah reward you and fulfill your efforts! If the referred to witness does not validate what the husband said, then cancel this Fatwa and inform us of what is proven to you. May Allah reward you with the best!

As-salamu `alaykum warahmatullah wabarakatuh

Issue on triple Talaq with one pronouncement

A husband, wife and her Waliy (a legally accountable person acting for a woman seeking marriage) came before me. The husband acknowledged that he divorced his wife with one pronouncement effecting Talaq (divorce) about thirty-five years ago then he revoked Talaq. Later, he divorced her thrice with one pronouncement in Rajab this year. He asked a scholar about this and he answered him that it is counted as one pronouncement effecting Talaq. He, thus, took his divorcee back in marriage. After that, he quarreled with his wife saying: "If you do not want to live with me, why do you stay with me? You are divorced thrice." He mentioned that he meant the Talaq that took place in Rajab and was not intending to initiate a new Talaq, and he swore on that. Asking the wife whether he divorced her other than these two times, she said he did not. Asking her father, he said he did not know anything about the mentioned Talaq.

According to that, my Fatwa (legal opinion issued by a qualified Muslim scholar) is that the Talaq the husband gave his wife in Rajab is one Talaq added to the previous Talaq and so there is only one pronouncement effecting Talaq left for him. His revocation of Talaq is valid, because it was authentically reported from the Prophet (peace be upon him) on the authority of Ibn `Abbas (may Allah be pleased with him) what indicates the validity of that.

The husband's saying that he meant by his last Talaq the Talaq that took place in Rajab is accepted as he knows best

his intention. The Prophet (peace be upon him) said: (The (rewards of) deeds depend upon the intentions and every person will get (the reward) according to what they have intended.) I advise the spouses to live honorably and to take care of the causes of anger. May Allah guide them! Dictated by the poor servant of Allah (Exalted be He) `Abdul-`Aziz ibn `Abdullah ibn Baz, may Allah forgive me and may peace be upon our Prophet Muhammad, his family, and Companions!

(Part No. 21; Page No. 465)

222- Different wording of Talaq that indicates repetition not confirmation

From `Abdul-`Aziz ibn `Abdullah ibn Baz to the respected brother, the President of Al-Mubarriz Court, may Allah grant you success, Amen!

As-salamu `Alaykum warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you!) To proceed:

Your letter no. 2624 dated 22/6/1393 A.H., as well as the attached document no. 270 dated 14/6/1393 A.H., which includes your Eminence's affirmation for the description of the way the husband divorced his wife and his confession that he wrote a document that says that he divorced his wife once. He wrote another document in which he mentioned that he divorced her another time with three pronouncements of Talaq (divorce pronounced by a husband), but did not utter the stated form of Talaq and his intention was the first divorce. The letter contained the affirmation of his divorced wife as well as her father's for what the husband mentioned. The wife mentioned that she is willing to return to her husband if this is permitted by Shari`ah (Islamic law). I also perused the two attached divorce papers and found that they state what I said; the date of the first letter was 8/1/1393 A.H. and the second was 9/1/1393 A.H.

(Part No. 21; Page No. 466)

Accordingly, I issued a Fatwa to the husband referred to that he has divorced his wife twice; one time with the first Talaq and the second with the triple Talaq, because he wrote two documents in two different times and because the wording of Talaq do not indicate confirmation but repetition, and because the second occurrence through triple Talaq is unlike the first Talaq, so it cannot be considered as a confirmation for it. There only remains one time before his wife is irrevocably divorced. He may still take her back in marriage as long as she is in her `Iddah (woman's prescribed waiting period after divorce or widowhood). If her `Iddah is over, she is not lawful for him except with a new marriage contract meeting the Shar`y (Islamic legal) conditions. It was authentically reported from the Prophet (peace be upon him) that which indicates that divorcing one's wife thrice with one pronouncement is considered one time of Talaq, as it is well-known.

I hope that your Eminence will notify all concerned parties of this Fatwa. Please instruct the husband to repent of this triple Talaq, because it is a disapproved manner of Talaq as your Eminence knows. May Allah reward you with the best! As-salamu `Alaykum warahmatullah wabarakatuh!

223- Issue on triple Talaq with one pronouncement

From `Abdul- `Aziz ibn `Abdullah ibn Baz to the honorable brother Shaykh `A.A.H., may Allah guide you to every good, Amen.

As-salamu `alaykum warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you!) To proceed...

Dear brother! I received your letter dated 16/12/1388 A.H., including your congratulations on `Eid-ul-Adha (the Festival of the Sacrifice). May Allah bless you and accept our good deeds. May Allah bring it back with blessings and cheer! Indeed, He is the Best One to be sought for help.

I understood what you mentioned regarding the case of the man who divorced his wife thrice with one pronouncement, then repeated what he said in a fit of anger without intending anything with that. You said that the husband declared that this was the first Talaq (divorce pronounced by a husband), and the wife confirmed what he said. Furthermore, both his father and uncle testified to the truth of his statement as they were present at the time of Talaq. The husband also testified that he revoked Talaq at once and had witnesses to this. The woman had no Waliy (a legally accountable person acting for a woman seeking marriage) and she expressed her willingness to return to him after acquiring a Fatwa (legal opinion issued by a qualified Muslim scholar) on this regard.

A: If the reality is as you have mentioned, I have issued a Fatwa declaring that the mentioned Talaq is to be considered two times of Talaq for repeating the triple Talaq. The husband's revocation of such Talaq is valid, if it has been proven by evidence or by the attestation of the woman. There are authentic reports from Allah's Messenger (peace be upon him) that supports the cited Fatwa.

Kindly inform all parties of this and enjoin the husband to observe Tawbah (repentance to Allah) from the mentioned Talaq, for it is not permissible to give triple Talaq as known to Your Eminence. May Allah reward you well on behalf of all people! As-salamu `alaykum warahmatullah wabarakatuh.

224- Triple divorce with one pronouncement

From `Abdul-`Aziz ibn `Abdullah ibn Baz to the honorable brother, Shaykh M.A.S., may Allah guide you! Amen!

As-salamu `alaykum warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you!)

I received your honorable letter number (1/337) dated 2/5/1393 A.H., related to the case of a man who divorced his wife, may Allah guide you! It included that you gave the man a Fatwa (legal opinion issued by a qualified Muslim scholar) that his wife is divorced thrice.

I inform Your Eminence that this man came to me unconvinced with the referred to Fatwa and was seeking a Shar`y (Islamically lawful) way out of what he committed of divorce. Your Eminence knows that there is no need to give a questioner a Fatwa if he is not convinced with it and will not act according to it. For this reason, I gave him a Fatwa, which I stated in this letter of mine number (802) dated 24/9/1393 A.H. to Your Eminence, in accordance with Shari`ah-based evidence which I am contented with as well as a large number of Salaf (righteous predecessors). Also, Abul-`Abbas Shaykh-ul-Islam Ibn

Taymiyyah, his student Ibn Al-Qayyim (may Allah be merciful with them) and another group of scholars issued Fatawa according to these evidence, as it is well known to you. This Fatwa aims at facilitating affairs and alleviating many distresses, especially that there is no text from the Qur'an or the Sunnah (whatever is reported from the Prophet) that indicates otherwise.

If Your Eminence opts for working according to this Fatwa, I hope you would share with us the reward. If you have another view, inform us of it and send back all the papers in order to refer them to another judge in the district. May Allah guide all of us to what pleases Him and make us and you from those who help in sustaining right, for He is the Most Honorable. As-salamu `alaykum warahmatullah wabarakatuh

This is the end of part twenty-one and the next part, In sha'a-Allah (if Allah wills), will be part twenty-two which begins with the second section of book on divorce.